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CHARTER
OF THE
CITY OF SAGINAW
MICHIGAN,

AS AMENDED IN 1903,

INCLUDING

THE ACT INCORPORATING THE BOARD OF EDUCATION
OF EAST SAGINAW AND THE AMENDED ACT
OF THE UNION SCHOOL DISTRICT
OF THE CITY OF
SAGINAW.

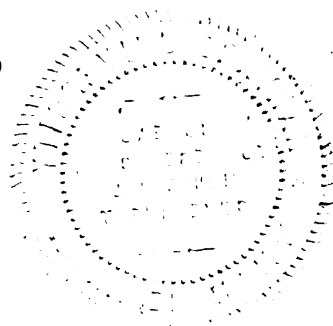
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SAGINAW, MICH.:
SAGINAW PRINTING AND PUBLISHING CO., PRINTERS AND BINDERS,

1903



J.19.22.27



AN ACT

To Revise and Amend the Charter of the City of Saginaw, as existing under an Act entitled "An Act to annex the territory embraced within the City of East Saginaw to that of the City of Saginaw, and to consolidate the City of East Saginaw with Saginaw, under the name of the City of Saginaw; to specify and fix the boundaries of the consolidated City; to provide for the assuming and payment of the indebtedness and liabilities of the present Cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said City of Saginaw as so consolidated, and to repeal all Acts inconsistent herewith," and Acts supplementary and amendatory thereof, and to repeal all Acts and parts of Acts inconsistent herewith.

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TITLE I.

INCORPORATION.

Section I. THE PEOPLE OF THE STATE OF MICHIGAN ^{Annexed territory.}
ENACT, that as much of section seven, in town twelve north, range five east, as lies south and east of the center line of Saginaw River, shall be and it is hereby annexed to the City of Saginaw, as now constituted for all municipal purposes, upon the terms and conditions following:

FIRST—The territory hereby annexed, together with ^{Name of city.} said city as now constituted, shall be known and designated as the city of Saginaw, and as such shall have all powers, rights and privileges hereinafter enumerated.

The boundaries of said city shall be as follows, viz.: ^{City boundaries.}
Commencing at the center of the Saginaw River on the east and west quarter line of section thirteen, in township twelve north, of range four east, in the county of Saginaw and State of Michigan; thence west along the quarter line of sections thirteen, fourteen and fifteen to the west line of said section fifteen, in said township, thence south on the west lines of sections fifteen, twenty-two, twenty-seven and thirty-four, in said township, and along the west line of section three in township eleven north, of range four east, in said county of Saginaw, to the center of the Tittabawassee River, thence easterly along the center of said river, to a point intersected by the east and west quarter line of section two, in said township eleven north, of range four east, thence east along said quarter line to the east line of said section, thence north along the east line of said section two to the northeast corner thereof, thence east along the north line of section one, in said township, to the southwest corner of section thirty-one in township twelve north, of range five east, in said county, thence north along the west line of said section thirty-one to the northwest corner thereof; thence east on the north line of said section thirty-one to the

northeast corner thereof, thence north along the east line of sections thirty, nineteen, eighteen and seven, in said last named township, to the center of the Saginaw River, thence southerly along the center of the said Saginaw River to the place of beginning.

Property
of East
Saginaw
and Saginaw
vested in
consolidated
city.

SECOND—All the property, real and personal, rights, credits, choses in action and other assets of every description now belonging to said city of Saginaw and to East Saginaw, or to any corporate board thereof, shall belong to and the title thereof is transferred to and vested in the said city of Saginaw, as so consolidated, except as hereinafter provided.

Pending suits.

THIRD—All suits and proceedings now pending for or against said city of East Saginaw or Saginaw, shall not be abated, but may be prosecuted to a conclusion in the name of or against the city of Saginaw.

City may
sue and be
sued.

Seal.

May lease
and sell
property.

Sec. 2. Said consolidated city of Saginaw may in its corporate name sue and be sued in any court of competent jurisdiction, have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any property, real or personal, for all the purposes of its incorporation.

City to be
divided into
twenty wards.

Boundaries of
wards.

First Ward.

Sec. 3. The territory comprising said city, commencing January first, A. D. nineteen hundred and two, shall be divided into twenty wards. Wards first to twelfth inclusive, shall be located upon the east, and wards thirteenth to twentieth, inclusive, shall be located upon the west side of the center line of Saginaw River. The particular boundaries of said wards upon the east side of the center line of Saginaw River shall be as follows:

All that part of said city east of the center line of Saginaw River lying north of a line commencing at a point at the center of said river where crossed by the Pere Marquette railroad bridge, thence following the center of the main railroad track upon said bridge easterly to the center of Washington avenue, thence south

on Washington avenue to the center of Potter street, thence easterly along the center line of Potter street to the center line of Third street, thence north on the center line of Third street to the south line of the right of way and property of the Pere Marquette Railroad Company, thence easterly on the south line of said right of way and property of said Pere Marquette Railroad Company to the east city line, shall constitute the First Ward. All **Second Ward.** that part of the city lying east of the center line of Saginaw River south of the First Ward, west of the center line of Second street, and north of the center line of Johnson street extended to the middle of Saginaw River, shall constitute the Second Ward. All that portion of the city **Third Ward.** east of the center line of Saginaw River, and lying between the center lines of Johnson street, Second street, and Janes avenue extended to the middle of Saginaw River, shall constitute the Third Ward. All that portion **Fourth Ward.** of the city south of the First Ward lying between the center lines of Second street, Seventh street and Janes avenue shall constitute the Fourth Ward. All that part **Fifth Ward.** of the city south of the First Ward lying between the center lines of Seventh street and Janes avenue and the east city line, shall constitute the Fifth Ward. All that **Sixth Ward.** portion of the city east of Genesee avenue lying between the center lines of Janes avenue and Walnut street, shall constitute the Sixth Ward. All that portion of the city **Seventh Ward.** lying west of the center line of Genesee avenue, east of the center of Saginaw river, north of the center line of Walnut street, and between the center lines of Janes avenue and Hoyt avenue extended to the center line of Saginaw river shall constitute the Seventh Ward. All **Eighth Ward.** that part of the city east of the center line of Saginaw river, south of the center line of Hoyt avenue, west of the center line of Sheridan avenue, north of the center line of Sidney street, and lying east and north of a line commencing where the center line of Sidney street intersects the east line of lot seventeen of the James Riley reservation, thence north on said east line to the north-east corner of said lot seventeen, thence westerly on the

- line between lots thirteen and seventeen of said James Riley reservation to where said line intersects Mackinaw street, thence westerly on the center line of Mackinaw street to the center of Saginaw River, shall constitute the
- Ninth Ward.** Eighth Ward. All that part of the city lying east of the center line of Sheridan avenue, south of the center line of Hoyt avenue, and west of a line commencing at the center of Hoyt avenue at the intersection of Emily street, thence following the center line of said Emily street southerly to the center of the main track of the Michigan Central Railroad, thence west on said railroad line to the intersection of the center line of Bagley street extended, thence south on the center line of Bagley street to the center line of Holland avenue, thence east on the center line of Holland avenue to the intersection of the quarter line of section thirty, thence south on said quarter line
- Tenth Ward.** to the city line, shall constitute the Ninth Ward. All that part of the city lying east of the Ninth Ward and south of the Sixth Ward, shall constitute the Tenth
- Eleventh Ward.** Ward. All that part of the city lying east of the center of Saginaw River south of the Eighth Ward, west of the center line of Sheridan avenue, and north of the center line of Gallagher street and the center line of Center street extended to the middle of the Saginaw River, and east of a line drawn on Mackinaw street and Washington avenue between the intersection of Center and Gal-
- Twelfth Ward.** lagher streets, shall constitute the Eleventh Ward. All that part of the city lying east of the center line of Saginaw River and south of the Eleventh Ward, shall constitute the Twelfth Ward. The particular boundaries of the wards upon the west side of the center line of Saginaw River shall be as follows:
- Thirteenth Ward.** All that part of the city lying west of the center line of the Saginaw River, north of the center line of State street, west of the Pere Marquette railroad track between the eastern terminus of State street and Davenport avenue, north of Davenport avenue between said Pere Marquette railroad track and the center of Saginaw River, shall constitute the Thirteenth Ward. All that portion
- Fourteenth Ward.**

of the city lying north and west of the center of Saginaw River, south of the Thirteenth Ward, east of the center line of Woodbridge street, and north and east of the center line of Brewster street extended to the middle line of Saginaw River, shall constitute the Fourteenth Ward.

All that part of the city lying north and west of the Sag-^{Fifteenth}
inaw River, east of the center line of Woodbridge street, Ward.
and between the center lines of Brewster and Madison streets extended to the center of Saginaw River, shall constitute the Fifteenth Ward.

All that part of the city ^{Sixteenth}
lying north and west of Saginaw River, east of the center Ward.
line of Woodbridge street, and between the center lines of Madison and Adams streets extended to the center of the Saginaw River, shall constitute the Sixteenth Ward.

All that portion of the city lying north and west of the ^{Seventeenth}
center line of Saginaw River, east of the center line of Ward.
Woodbridge street, and between the center lines of Adams and Jackson streets extended to the center of the Saginaw River, shall constitute the Seventeenth Ward.

All that portion of the city lying within a boundary com-^{Eighteenth}
mencing at a point where the center line of Jackson Ward.
street extended crosses the middle of Saginaw River, thence northwesterly along the said extended line of Jackson street to the center of Woodbridge street, thence southwesterly along the center line of Woodbridge street to the middle of Brockway street, thence northwesterly along the center line of Brockway street to the center line of Wright street, thence southerly along the center line of Wright street, thence westerly along the center line of Bliss street to the center line of Elm street, thence southerly along the center line of Elm street to the center line of Greenwich street, thence east along the center line of Greenwich street to the center line of Bullock street, thence south along the center line of Bullock street to the center line of Lee street, thence southeasterly along the center line of Lee street extended to a point where it intersects with the south section line of section twenty-six, thence east along the section line to the center of Saginaw River, thence to the place of beginning, shall

Nineteenth
Ward.

constitute the Eighteenth Ward. All that part of the city lying south of the center line of Greenwich street extended from the west city line to the center line of Elm street, and all south of the Eighteenth Ward and west of the center of Saginaw River, shall constitute the Nineteenth Ward. All that part of the city lying south of the Thirteenth Ward, west of the Fourteenth, Fifteenth, Sixteenth, Seventeenth and Eighteenth Wards, and north of the Nineteenth Ward, shall constitute the Twentieth Ward.

Twentieth
Ward,

TITLE II.

OFFICERS—WHO ELECTED; WHO APPOINTED;
 QUALIFICATION; OATH; REMOVAL; VA-
 CANCY; ELECTIONS; HOW CONDUCTED,
 ETC.

Section 1. Annual city elections are hereby abol- City Elections
abolished.
 ished. A biennial city election shall be held on the first
 Tuesday after the first Monday in November, in the year When City
Elections to
be held.
 nineteen hundred and two, and every second year there-
 after in connection with the general state election held
 on the same day and be conducted by the same officers.
 A biennial spring election shall be held on the first Mon- Spring
elections to
be held with
State
Elections.
 day in April, in the year nineteen hundred and three, and
 every second year thereafter in connection with the state
 judicial election held on the same day, and be conducted
 by the same officers. If not otherwise provided in this
 Act, all the officers whose official terms will expire before
 the election and qualification of their successors, under
 the provision of this section, as hereby amended, shall
 continue to hold their respective offices until their suc- Officers to
hold office
until
successors
elected.
 cessors have been elected as herein provided and they
 have qualified, and the terms of all officers, elective and
 appointive, including members of boards, unless other-
 wise provided, whose official terms would otherwise ex-
 tend after January first, A. D. nineteen hundred three,
 are hereby limited and all shall expire at midnight, De- Expiration of
officers' terms
whose terms
would extend
after Jan. 1st,
1903.
 cember thirty-first, nineteen hundred two, or when their
 successors have been elected as herein provided and they
 have qualified: Provided, however, That on the first
 Monday of April, A. D. nineteen hundred and two, at
 the expiration of the term for which the present Police
 Judge was elected, the Recorder shall be and is hereby Recorder to
have office of
Police Judge.
 thereafter invested with the authority and shall perform
 the duties and receive the compensation now pertaining Compensation
of Recorder.
 to the office of Police Judge. The Aldermen who are mem-

bers of the Common Council December thirty-first, A. D. nineteen hundred one, shall be and are hereby declared to be members of the Common Council as Aldermen-at-large, during the year nineteen hundred two, and the fact that any Alderman changes his residence within the city or resides in a different ward from that for which he was elected, shall not vacate his said office. The following officers of the city of Saginaw shall be elected at the biennial city election held on the first Tuesday after the first Monday in November, in the year nineteen hundred two, and every second year thereafter, by the qualified electors of the whole city voting in their respective wards and election districts on a general ticket, namely, one Mayor and one Treasurer. Their term of office shall commence on the first day of January, one thousand nine hundred three, and every second year thereafter: Provided, That at the same time a Recorder and a Justice of the Peace shall be elected, who shall each perform the duties of his office as soon thereafter as he shall file the requisite bond and oath, and he shall hold his office until July fourth, nineteen hundred three, or until his successor shall be elected, and shall qualify as hereinafter provided. The following officers of the corporation shall be elected at said election, on a ward ticket in each ward and election district by the qualified voters thereof, namely, one Alderman and one Constable. Their term of office shall commence on the first day of January, one thousand nine hundred three, and of every second year thereafter. At the biennial spring election in the year nineteen hundred three, and quadrennially thereafter, a Justice of the Peace shall be elected to hold office for the term of four years from and after the fourth of July succeeding his election. At the biennial spring election, in the year one thousand nine hundred three, a Recorder shall be elected to hold office for the term of two years from and after July fourth, nineteen hundred three. At the biennial spring election in the year one thousand nine hundred five, and quadrennially thereafter, a Recorder shall be elected to hold office for the term of four years, from and after the

Aldermen at large.

City Officers to be elected at City elections held in November, 1902.

Term of office.

Recorder and Justice of Peace.

Aldermen and Constable to be elected at said election.

Term of office.

Justice of Peace elected for term of four years.

Recorder elected for term of two years in 1903.

At Spring Election in 1905 Recorder elected for four years.

fourth of July succeeding his election. At the biennial spring election in the year one thousand nine hundred three, and every second year thereafter, the following officers of the corporation shall be elected at said election on a ward ticket in each ward, by the qualified voters thereof, namely, one Supervisor, whose term of office shall begin as soon as he is elected and has qualified, and one School Inspector, whose term of office shall commence on the third Monday of July, one thousand nine hundred and three, and every second year thereafter: Provided, That no School Inspector shall be elected within the western taxing district on such ward ticket. Also, provided, That the Inspectors elected in the odd numbered wards shall serve for two years and the Inspectors elected in the even numbered wards shall serve for four years.

Election of
Supervisor
and School
Inspector.

Term of
Inspectors of
Election.

Sec. 2. No person shall be eligible to either of said elective offices unless he shall then be a citizen and resident of said city, nor shall he be eligible to any such office for any ward or district, unless he shall then be a citizen and resident of such ward or district; and when any officer elected or appointed for said city shall cease to reside in said city, or if elected or appointed for any ward or district, he shall cease to reside in such ward or district, his office shall thereby become vacant.

Who eligible.

Office vacated
by change of
residence.

Sec. 3. An election shall be held in each ward and election district biennially as provided in section one of title two, at such places as the Common Council shall appoint, by a notice published at least six days previous to the election, in the official newspaper of the city, and by posting printed notices of the holding of said election in at least three of the most public places in each ward and election district, at least six days previous to said election.

Notice of
election six
days previous
to election.

Sec. 4. The following shall be the term of office of the several officers elected at the biennial election provided for in section one, title two, who shall in all cases hold office until their successors are elected and qualified, viz.: Mayor, two years; Treasurer, two years; Recorder, two years, prior to July fourth, one thousand nine hun-

Term of office.

dred five, and thereafter four years; Justice of the Peace, four years; Aldermen, School Inspectors, Supervisors and Constables, two years.

**Vacancy in
office of
Supervisor,
how filled.**

Whenever there shall be a vacancy in the office of Supervisor, or when the incumbent shall by sickness or from any other cause, be unable to perform the duties of such office, the Common Council of said city may make temporary appointment of a suitable person to fill such vacancy, and such person so appointed shall take the oath of office, as required by law, and shall continue to discharge such duties until the said office shall be filled by election, or until the disability aforesaid be removed.

**Appointment
of City officers
and boards.**

Sec. 5. The Common Council shall, at the first regular meeting in the month of January, A. D. one thousand nine hundred three, or as soon as may be thereafter, elect by viva voce vote, one City Assessor, one City Attorney, one City Physician, one Controllor, one City Clerk, one Director of the Poor, and all members of the Board of Public Works, Board of Police Commissioners, Board of Assessment and Review, and Board of Estimates, as provided in this act. And as vacancies occur, fill the same by like election of persons who shall hold office as follows, viz.: City Clerk, City Controllor, City Assessor, City Attorney, Director of the Poor and City Physician, each for two years, their terms of office to commence in January, A. D. nineteen hundred three, and every second year thereafter: Provided, The members of said several boards shall be elected for the period stated in the other titles of this charter. All the officers appointed under this section shall enter upon their duties as soon as elected and qualified: Provided, further, That the terms of all city officers heretofore or hereafter elected by the Common Council or nominated or appointed by the Mayor or confirmed by the Council prior to January first, nineteen hundred three, shall expire at midnight December thirty-first, nineteen hundred two, or when their successors are elected and have qualified as are herein provided. The Assessor and Controllor may each appoint a deputy for whose acts they shall respectively be responsible, and

**Term of office
of appointed
officers.**

**Assessor and
Controllor
may appoint
a deputy.**

who shall have power to perform the duties of said officers respectively in case of the death, absence or disability of either of said officers. The Common Council may also appoint one Board of Building Inspectors, one Factory Inspector, one Keeper of the Work House, Alms House or Hospital, one Inspector of Gas or Gas Meters, Clerk of City Markets or for City Officers, Inspector of Firewood, Hay or Provisions, Pound Masters, Sealers of Weights and Measures, Weighmasters, Harbor Masters, Fire Wardens, Scavengers, and such other officers or boards of officers as are herein provided for, or the Common Council may deem necessary, or as may be created by law or the ordinances of said city, made pursuant to the provisions of this Charter; and such appointments shall be made in such manner as the Common Council shall authorize and direct, and all such appointees shall hold their office during the pleasure of the Common Council.

Appointment
of other
officers.

Sec. 6. When any vacancy occurs in any of the offices which are appointed by the Common Council, either by death, resignation or removal of the incumbent, the Common Council may fill such vacancies by appointment upon the nomination by the Mayor for the remainder of the unexpired term for which such officer was appointed.

Vacancies in
offices
appointed by
the Council,
how filled.

Sec. 7. All officers appointed by the Common Council, by virtue of the powers conferred by this Act, may each be removed from office by the Common Council for incompetence, for official misconduct, or for the unfaithful and inefficient performances of the duties of his office, or for disobedience of the ordinances or resolutions of the Common Council lawfully made: Provided, That no officer who is required to be elected by ballot, or who is required by this Act, or by the Common Council, to give bonds, shall be removed without reasonable notice of the charges against him, and an opportunity to be heard in his defense, in person and by counsel, nor without two-thirds of all the members elected to the Common Council, shall, after such notice and hearing vote for such removal.

What officers
may be
removed, and
how.

Causes.

Notice of
charges.

Hearing.

Registration. Sec. 8. On the third Saturday preceding the biennial general election held in November, and the third Saturday preceding the biennial general spring election held in April in said city, a registration shall be made in each ward and election district in the manner hereinafter provided in sections twelve, thirteen, fourteen and fifteen of title seventeen of this Charter, of all the qualified electors resident therein not already registered. On the day of election, held by virtue of this Act, the polls shall be open in each ward and election district thereof, at the several places designated by the Common Council, at seven o'clock in the morning, and shall be kept open, without intermission or adjournment, until five o'clock in the afternoon, at which hour they shall be finally closed: Provided, That it is hereby made the duty of the City Clerk, prior to January first, nineteen hundred and two, to procure suitable registration records for each of the twenty wards hereinbefore designated. It is also made his duty, prior to the said first of January, A. D. nineteen hundred two, to transcribe the names and addresses of every voter appearing on the registration books of any of the fifteen wards as now constituted, into the registration records of the twenty wards created by this Act, writing such name in the records of the ward within which his registered address brings him.

Hours of Voting.

City Clerk to make new registration books for twenty wards

Transcribe names before January 1, 1902 into several ward books.

Who are electors.

Challenges and oath.

Sec. 9. The inhabitants of the said city being electors under the constitution of this state, and no others, are declared to be electors under this Act, and qualified to vote at the elections held by virtue of this Act; and each person offering to vote at any such election, if challenged by an elector of said city before his vote shall be received, shall take one of the oaths now, or at any time hereafter, provided by the general laws of this state, unless such person shall claim to be an elector under the proviso named in section twenty-six of this title, and in that case the (oath) vote shall be varied according to that proviso, which oath shall be administered to him by one of the Inspectors of Election.

Sec. 10. There shall be a board of Inspectors of Election in each ward, or in case of the division of any ward into election districts, then in each of said districts, said board shall be composed of four members, to consist of a Supervisor and Alderman, when eligible, and not prevented for any reason from serving, and citizens from said ward to be selected in the manner herein provided, and no more than two of said election inspectors shall belong to the same political party. At least one week prior to any municipal, general, or special election, the Common Council shall designate such a number of citizens of each ward, as shall, together with a Supervisor and Alderman, who are eligible and intend to serve, constitute four inspectors for each district or each ward not divided into districts. At the hour for opening the polls at any such election, the electors of the district or ward present at any polling precinct shall, in the absence of any of the said inspectors herein provided for, choose viva voce such number of electors of such ward or district to serve as inspectors as shall, with the said inspectors, appointed by the Common Council, Supervisors and Aldermen present, constitute such board of four inspectors, who shall be the Inspectors of Election for that district or ward during that election. An Alderman, if present, shall act as chairman of said board, but if not present the board shall select one of their own number as chairman. Said board shall also choose one of their own number to act as clerk and shall appoint one other elector as second clerk of said board: And provided also, That said clerks shall both not be members of the same political party. Each of said persons so appointed as Inspectors of Election and clerk shall take the constitutional oath of office; each member of said board shall be authorized to administer such oath or any oath required to be taken by any person at said election. In case of the inability of any of the inspectors to serve during the time of said election, the vacancy on said board may be filled by viva voce vote of the members of said board present. Said inspectors and clerks of election shall re-

Board of Inspectors of Election.

Common Council to designate additional Inspectors.

In case of absence of any inspectors appointed.

Chairman.

Two clerks. Not to be members of same political party.

Oath of office.

Vacancies.

Compensation receive such compensation for their services as shall be fixed by the Common Council prior to said election.

Vote by ballot. Sec. 11. At all elections held under this Act the electors shall vote by ballot, to be prepared, printed and furnished in the manner, now or hereafter provided by the general laws of this state. Such elections shall be conducted, as near as may be, in the manner now or hereafter provided for holding general elections in the state, except as herein otherwise provided; and the inspectors of such election shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are or may hereafter be conferred by law upon Inspectors of Election in this State. The Common Council shall provide the necessary ballot boxes for each ward and election district, with locks, seals and keys, in which ballot boxes votes cast shall be deposited.

Power of Inspectors.

Council to furnish ballot boxes, etc.

Election Commissioner.

Preparation and printing of ballots.

Delivery of ballot boxes, etc., to Inspectors.

Sec. 12. The Council shall at least ten days previous to any municipal election appoint a board of three Election Commissioners, not more than two of whom shall belong to the same political party, who shall be the Board of Election Commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots for city or ward elections, as are required by law or of the boards of election commissioners of counties. Said Commissioners shall deliver the ballot boxes, keys and tickets at least one and not more than two days prior to an election to the Inspectors of Election of each ward or voting precinct in said city. Said inspector shall be responsible for the safe keeping of the same.

When term of office to be designated on ballot.

Sec. 13. If at any biennial election to be held in the said city there shall be one or more vacancies to be supplied in an office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for the said office, shall be designated on the ballot.

Sec. 14. Immediately after the closing of the polls the Inspectors of Election shall forthwith, without adjournment, publicly canvass the votes received by them, and declare the result; and shall on the same day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or as soon as completed, with the Clerk of the city.

Canvass of votes.

Making and filing certificate.

Sec. 15. It shall be the duty of the Inspectors of Election, on receiving the votes, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the Common Council for that purpose; the said Board shall also write down or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said Inspectors of Election, or under their direction. The manner of canvassing and counting thereof shall be the same as is now or may hereafter be provided by the general laws of the state, for the canvass and count of votes by Inspectors of Election.

Duties of Inspectors.

Poll list.

Canvassing and counting.

Sec. 16. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the Common Council shall take, at the meeting thereof provided for in section seventeen, as many strips of paper of equal size and appearance as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put such ballots together in a hat or box, and one of the members of the Common Council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Who elected.

In case of tie votes.

Sec. 17. The Common Council shall convene on the Wednesday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, and the

Canvass of votes by Common Council.

statements of votes filed with the Clerk of the city by the Inspectors of Election shall be produced by said Clerk, when the Common Council shall forthwith determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the Clerk of the city, and the other with the Clerk of the County of Saginaw.

Certificates in duplicate.

Sec. 18. It shall be the duty of the Clerk of said city, as soon as practical, and within two days after the meeting of the Common Council, as provided in the preceding section, to notify the officers, respectively, of their election; and the said officers so elected and notified as aforesaid, shall, before they enter on the duties of their respective offices, and prior to the commencement of the term for which they were elected, take the oath of office, prescribed by the Constitution of this State before some other officer authorized by law to administer oaths, and file the same with the Clerk of the city, and the Justice of the Peace and Recorder shall also file their oath of office with the County Clerk.

Clerk notify persons elected.

Oath of office filed with City Clerk.

Filed with County Clerk.

Sec. 19. Whenever a vacancy occurs in the office of Mayor or Alderman, by his refusal or neglect to take the oath of office, prior to the commencement of his term, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, except as hereinbefore provided, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the Common Council of said city shall immediately appoint a special election to be held in the several wards of the city, or the ward for which such officer was chosen, at suitable places therein, not less than five days nor more than fifteen days from the time of such appointment: Provided, That in case any such vacancy shall occur in the said office of Mayor or Alderman within three months before the biennial general election of any year, it shall be optional with the Common Council to order a special election or not,

Vacancy in office of Mayor or Alderman; how filled.

Vacancy within three months before the Biennial Election. Optional with Common Council to have special Election.

as they shall deem expedient: And provided further, ^{Proviso.} That any such vacancy occurring prior to the biennial election in November, A. D. nineteen hundred and two, shall not be filled.

Sec. 20. If a vacancy occurs in any elective office ^{Vacancy, how filled by Common Council.} other than that of Mayor, Alderman, Justice of the Peace and Recorder, the Common Council shall appoint some person eligible under this Act, unless otherwise provided, to serve in such office until the next biennial election, when the vacancy shall be filled for the remainder of the official term, unless otherwise provided in this Act. No office shall be deemed vacant under this or the preceding sections of this title, excepting in case of death, resignation, expulsion, permanent disability or removal from the city of the person appointed or elected to such office, and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the tenth day after the election next succeeding. If an elective office which shall have become vacant, is ^{Vacancy, how caused.} of that class the term of which continues after the next biennial election, a successor for the unexpired term shall be elected at the next biennial election.

Sec. 21. Whenever a special election is to be held, ^{Special elections, Clerk to notify inspectors of election.} under the provisions of law, or by order of the Common Council, the City Clerk shall cause to be delivered, to the inspectors of election, in the ward or wards where such officer is to be voted for, a notice to be signed by him, specifying the officer to be elected, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the biennial elections; such notice shall also be published ^{Notice to be published.} in the official newspaper of the city, at least once, and posted in five public places in the city or ward, as the case may be, before the day of such special election.

Sec. 22. Every person appointed by the Common ^{Acceptance of office.} Council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the City Clerk,

a notice in writing, signifying his acceptance of such office.

Refusal to serve.

Failure to file oath, etc.

Time.

Sec. 23. If any person elected or appointed under this title, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the Common Council to execute an official bond or undertaking, shall neglect to execute and file the same in the manner and within the time prescribed by the Common Council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, or such acceptance be signified as aforesaid.

Report of Clerk to the Council of acceptance or refusal to file oath of office.

Sec. 24. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the Common Council a list of the persons elected or appointed, and of the offices to which they are chosen, specifying such as have filed with him the oath of office, or notice of acceptance required by this act, and the official bond, if one is required, and such as shall have omitted to file the same within the time herein prescribed.

Resignations.

Sec. 25. Resignations by any officer authorized to be elected or appointed by this Act, shall be made to the Common Council, subject to their approval and acceptance.

Where electors shall vote in City Elections.

Residence defined.

Sec. 26. At all city elections, every elector shall vote in the ward and district where he shall have resided twenty days next preceding the day of election, otherwise he may vote in the ward and district from which he removed: PROVIDED, He shall have resided in said ward twenty days prior to such removal. The residence of an elector, under this Act, shall be the ward where he boards or takes his regular meals.

Vacancy of Inspector of Election, how filled.

Sec. 27. At any election held under this Act, if, from any cause, either or all of the Inspectors of Election shall fail to attend any such election at the appointed

time and place, his or their place may be supplied for the time being, by the electors present, who shall elect any of their number, VIVA VOCE, who, when so elected, shall be duly sworn, by an officer authorized to administer oaths, to a faithful performance of their duties.

Sec. 28. The expenses of any election to be held as provided by this Act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city. Expenses of election, how paid.

Sec. 29. Any person elected to any office under this Act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected, or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified. Officer to hold till successor qualifies.

• TITLE III.

COMMON COUNCIL—WHO SHALL CONSTITUTE: POWERS; DUTIES; PROCEEDINGS.

Who
constitutes
the Common
Council.
Time of
meeting.

Section 1. The Mayor and Aldermen of said city shall constitute the Common Council. They shall meet at such times and places as they shall from time to time appoint, and on special occasions, whenever the Mayor or person officiating as Mayor, (in case of vacancy in the office of the Mayor, or of his absence from the city, or inability to officiate) shall, by written notice, appoint, and which shall be served on the members in such a manner and for such a time as the Common Council may by ordinance direct.

Special
meetings.

Mayor preside
When to vote.

Sec. 2. The Mayor shall preside at the meetings of the Common Council, but shall not vote or cast a ballot at said meetings excepting when a tie exists, or an equal number of ballots have been cast for and against any question, in which case his vote shall be recorded or ballot deposited as a member of said body, and it shall

President of
Common
Council.
when elected.

be the duty of the Common Council, on the second Monday in January in each year, to elect one of their number president, who shall preside at the meetings of the Common Council in absence of the Mayor. The member elected president shall be acting Mayor in case of the absence from the city, or on account of the inability of the Mayor to act, but shall vote upon all questions as an Alderman: Provided, That in the absence of the Mayor and president, the Common Council shall appoint one of their number, who shall preside.

Shall vote as
an Alderman.

Power of
veto.

Sec. 3. No ordinance or resolution passed by the Common Council, authorizing any public improvement, or for or concerning the same; or for the payment of any money by the Treasurer, or the creation of an indebtedness or liability against the city, shall have any force or effect if the Mayor, or other officer legally exercising the

office of Mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the City Clerk his reasons in writing why the same should not go into effect, unless it shall, at a subsequent meeting of the Common Council, be passed by a two-thirds majority of all the members of the Common Council elect, exclusive of the Mayor, or other officer legally discharging the duties of Mayor, and if so re-passed, it shall go into effect according to the terms thereof. No ordinance or resolution of the Common Council, for any of the purposes mentioned in this section, shall go into operation until the expiration of twenty-four hours after its passage. It shall be the duty of the City Clerk to communicate to the Common Council, at the next meeting thereof, any paper that may be lodged with (him) pursuant to the provisions of this section.

When to be made.

Two thirds majority to overcome.

Ordinances, etc., when to go into operation.

Clerk to report veto to the Council.

Sec. 4. In all proceedings and meetings of the Common Council, each member present, excepting the Mayor, as provided in section two of this title, shall have one vote.

Who to have vote.

Sec. 5. The Common Council shall prescribe the rules for the transaction of its business, and for its proceedings, which rules shall have the effect of law, as to the regularity and the recording of said proceedings, and may prescribe, in said rules, penalties for the non-performance of the duties of Alderman, City Clerk, or other officers of said Common Council.

Rules of Council.

The sessions of the Common Council shall be public, except when the public interest shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the City Clerk, and the same shall be open at all times to public inspection.

Sessions and minutes of meetings.

Sec. 6. A majority of the Aldermen elect shall be a quorum of the Common Council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present, less than a quorum, may adjourn said meeting, to the next regular meeting, or to adjourn.

Less than quorum may adjourn.

Notice of
adjourned
meeting.

Business not
to lapse for
failure to
meet.

When
majority vote
of all
members elect
necessary.

Alderman not
excluded
from voting
by reason of
personal or
private
interest.

Votes
recorded by
yeas or nays.

Members not
to be
interested in
any contract,
etc.

any time prior to the next regular meeting, and require the Clerk to give notice thereof, as of special meetings, and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down or noticed for such regular meetings, or for any special or adjourned meeting; and no business or proceedings postponed, or set down, or noticed (for) by any special, regular or adjourned meeting, shall lapse or fail, or become invalid, or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon at the next regular or adjourned or special meeting.

No public improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services or labor authorized to be done, or material purchased, nor any contract awarded or let, nor any money appropriated to be paid for, or out of, or by means of any special assessment or tax, or from the City Treasury, except by a majority vote of all the members elect of the Common Council: PROVIDED, No member of the Common Council shall be excluded from voting upon any question of improvements, levying assessments or taxes, for any reason of personal or private interest in said improvement, assessment, taxes, or any property to be affected by it; nor shall such vote prejudice, void or invalidate any action by the Common Council by reason; or on account of any such interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract or bond, appropriating or expending any moneys, and on the final passage of any ordinance, the names of the members voting for or against the same, by yeas and nays, shall be entered upon the record of the proceedings.

Sec. 7. No member of the Common Council shall, during his continuance in office, be directly or indirectly interested as principal, surety or otherwise in any contract with the city, or with any public board thereof, over which the Common Council have any control; nor shall he be competent, during the term for which he shall have

been elected, to hold any office, the appointment to which is made by the Common Council, and the salary, compensation or fees for which are payable out of the city treasury. Not to hold certain offices.

Sec. 8. The Common Council, in addition to the powers and duties specially conferred upon them in this Act, shall have the management and control of the finances, rights and interests and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and they shall have the power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city, for the following purposes: General powers of Common Council.

First. To prevent vice and immorality, to preserve peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances and disorderly assemblages; Public peace.

Second. To restrain and prevent disorderly and gaming houses, and houses of ill fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys; Disorderly houses.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to forbid the selling or giving to be drunk any intoxicating liquors to any child or young person without the consent of his or her parents or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to the auctioneers; Prevent liquor law violations. Sale of goods at auction.

Fourth. To prohibit, restrain, license and regulate all sports, exhibitions of all natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money; Shows and exhibitions.

Fifth. To abate or remove nuisances of every kind, Abate nuisances.

and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city. To compel the owner, lessee or agent to remove buildings that are liable to fall by reason of being burnt, decayed or not properly erected;

Removal of
old buildings.

Slaughter
houses, gun
powder, etc.

Sixth. To direct the location of all slaughter houses, markets and buildings for storing gunpowder or other combustible materials, and to regulate the manner of keeping the same;

Fire arms.

Seventh. To regulate, restrain or prohibit the buying, selling, carrying and using of fire-arms, weapons, gunpowder, fire crackers or fire works, manufactured or prepared therefrom, or from other combustible material, and the exhibition of fireworks, and the discharge of fire arms, and the lights in barns, stables and other buildings, and to restrain and prohibit the making of bonfires in streets, yards, alleys and other public places;

Fire works

Lights in
barns, or
bonfires.

Encumbering
of streets, etc.

Eighth. To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever;

Horse racing,
etc.

Ninth. To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street; and to prevent any person from leaving a horse or horses or other animals standing upon the streets of said city without being securely tied, held or fastened so as to prevent their escape;

Animals to be
tied in the
streets.

Railroads.

Tenth. To determine and designate the routes and grades of any railroad to be laid in said city, and to regulate the use of locomotives, engines and cars upon the railroads within the city; to compel such railroads to erect and maintain safety gates at street crossings;

Safety gates.

Bathing.

Eleventh. To regulate, restrain or prohibit bathing

in any public water, and to provide for (cleansing) cleaning Saginaw River of driftwood and other obstructions:

Twelfth. To restrain and punish drunkards, vag-^{Drunkards, vagrants, etc.} rants, mendicants, street beggars and persons soliciting alms or subscriptions for any purpose whatever;

Thirteenth. To establish one or more pounds, and ^{Pounds.} to restrain, regulate or prohibit the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of their keeping and impounding;

Fourteenth. To regulate or prevent the running at ^{Dogs.} large of dogs; to impose taxes upon the owners of dogs, and to punish dog fights and those engaged in aiding and abetting the same, in the streets and elsewhere in said city. To provide for the issuing of licenses to the ^{Licenses.} owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; to require them to be muzzled and to authorize the killing of dogs not licensed or running at large in violation of the ordinances of the city; and to authorize the killing of dogs impounded, which shall not be redeemed within the time prescribed by the ordinance regulating the same;

Fifteenth. To prohibit any person from bringing ^{Dead carcass, putrid meats, fish, etc.} and depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require the removal and destruction thereof, if any person shall have on his premises such substance or any putrid meats, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city;

Sixteenth. To compel all persons to keep sidewalks ^{Sidewalks to be kept clean.} in front of premises owned or occupied by them clean from snow, dirt, wood and all other obstructions;

Seventeenth. To regulate or prohibit the ringing of ^{Noises.} bells, blowing of steam whistles, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets and elsewhere in said city;

- Burial of dead.** Eighteenth. To regulate the burial of the dead, and to compel the keeping and return of bills of mortality;
- Markets.** Nineteenth. To establish, order and regulate markets, to prohibit the forestalling the same to regulate the vending of wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: Provided, That nothing herein contained shall authorize the Common Council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;
- Licenses.**
- Meat sold by quarter.** Twentieth. To establish, regulate and preserve public reservoirs, fountains, wells and pumps, and to prevent the waste of water;
- Fountains, public wells.**
- Sextons, undertakers.** Twenty-first. To adopt rules for the regulation of sextons and undertakers in burying the dead, to license and regulate solicitors for passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also to license and regulate draymen, car-men, truckmen, porters, runners, drivers of cabs, coupes, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used or employed for hire, and to fix and regulate the amounts and rates of their compensation;
- License draymen.**
- Fix rates.**
- Soliciting passengers.** Twenty-second. To regulate or prohibit runners, public porters, and all drivers of public conveyances for persons from soliciting passengers or others to travel or ride in any public conveyance, boat, or upon any railroad, or to go to any hotel or elsewhere, and to license and regulate scavengers and chimney sweeps;
- Scavengers, chimney sweeps.**
- Street lighting** Twenty-third. Concerning the lighting of streets, alleys and public places, and the protection and safety of public lamps and lights;
- Auctioneers. Peddlers. Pawnbrokers.** Twenty-fourth. To license and regulate auctioneers, hawkers, peddlers and pawnbrokers; and to regulate auctions, hawking, peddling and pawnbrokerage, also the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise goods and other property

whatsoever by hand, hand-cart, show case, show stands, or otherwise, in the public streets, also to license and ^{Bill posters.} regulate or suppress hucksters and bill posters;

Twenty-fifth. To prescribe the duties of all officers ^{Duties, compensation and penalties and bonds of officers,} appointed by the Common Council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-sixth. To preserve the salubrity of the ^{Saginaw river.} waters of Saginaw River, or other streams within the limits of said city, to fill up all low grounds or lots covered, or partially covered, with water, or to drain the ^{Fill up or drain low lands.} same, as they may deem expedient, and to assess upon and collect from the lots or grounds so drained or filled the entire expense thereof;

Twenty-seventh. To prescribe and designate the ^{Stands for carriages.} stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates ^{Charges.} of fare and charges, and the stand or stands for wood, ^{Stands for wood, hay, etc.} hay and produce exposed for sale in said city;

Twenty-eighth. To prescribe the line upon which ^{Docks.} docks shall be built in Saginaw River, and beyond which they shall not extend, and to enforce the same by a fine not exceeding five hundred dollars, and to regulate such docks and to compel the owners or occupants thereof to keep the same in repair;

Twenty-ninth. To appoint so many harbor masters ^{Harbor Master.} as they deem necessary, and to prescribe their powers, duties and compensations;

Thirtieth. To prescribe the duties of sealers of ^{Sealers of weights and measures.} weights and measures, and the penalty for using false weights and measures, and all laws of this State in relation to the sealers of weights and measures shall apply to said city; except as herein otherwise provided;

Thirty-first. To authorize the clerk to grant and ^{Licenses.} issue licenses, and the Mayor may revoke licenses as

provided in section one, title four, of this Act, in all cases when licenses may be granted under this Act and the ordinances of the Common Council;

Amount to be paid for licenses.

Thirty-second. To prescribe the sum of money to be paid into the treasury of the city for every license which may be granted under this Act and the ordinances of said city, also the time for which the licenses shall be granted; to require all licenses to be countersigned by the Mayor; to require (of) any or all persons applying for a license, before the issuing thereof the execution of a bond to the city in such sums as the Common Council may direct with one or more sufficient sureties, conditioned for the faithful observance of the charter and ordinances of the city, and otherwise conditioned as the Common Council may prescribe;

Mayor to countersign.

May require bonds.

Public library.

Thirty-third. To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within said city by private munificence, as the Common Council may deem to be for the public good;

Building permits.

Thirty-fourth. To require all persons before constructing, altering or enlarging any building or other structure within the limits of said city, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued;

Suppress lotteries.

Thirty-fifth. To prohibit, prevent and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same;

Telephone, electric light, and street railway poles and wires.

Thirty-sixth. To regulate the putting up, taking down, repairing and maintaining of telegraph, telephone and electric light, power and electric street railway poles and wires;

License and regulate hotels, restaurants furnishing meals.

Thirty-seventh. To license and regulate the keepers of hotels, taverns, restaurants and other public houses, grocers and keepers of ordinaries, saloons and victualing,

and other houses or places for furnishing meals or food;
to restrain, license and regulate saloons and to regulate
and prescribe the location thereof;

Location of
same.

Thirty-eighth. To compel pawn brokers, junk shop
keepers and second hand dealers to keep a list of all
goods purchased or received by them in the way of a
pledge or security, and to compel them to deliver a writ-
ten list each day to the Chief of Police, upon blanks fur-
nished them by the city.

Pawn brokers
second hand
dealers
written
list each day
to Chief of
Police.

Sec. 9. The Common Council may ascertain, estab-
lish and settle the boundaries of all streets and alleys in
said city, prevent and remove all encroachments thereon,
and exercise all other powers conferred upon them by this
Act, in relation to highways, the prevention of fires and
levying of taxes; they shall have power to advertise for
proposals and contract for the lighting by gas, electric
or other lights, of the streets, public buildings, parks and
spaces, for the term of not less than one nor more than
ten years, under any one contract; or they may provide
for the construction of works for lighting to be owned
and operated by the city itself. They may also require
transient traders and dealers to take out licenses. And
in addition to all other powers hereinbefore granted, may
make and enforce all such other and further ordinances,
not inconsistent with the constitution or general laws of
the State, as they shall deem the public safety and wel-
fare of said city to require.

Council to fix
boundaries of
streets and
alleys.

Fires.

Taxes.

Lighting con-
tract.

May own and
operate plant.
Transient
traders' and
dealers'
licenses.

Other Ordin-
ances for
public safety.

Sec. 10. When by the provision of this Act, the
Common Council have authority to pass ordinances on
any subject, they may prescribe a fine or penalty, not
exceeding one hundred dollars (unless the imposition of
a greater fine or penalty be herein otherwise provided)
for a violation thereof, and may provide that the offen-
ders on failing to pay the fine or penalty imposed, shall
be imprisoned in the county jail of Saginaw county, or
the city prison, for any term not exceeding ninety days.

Fine and
penalty.

Sec. 11. Whenever the Common Council are re-
quired by law to make publication of any notices or or-

Publication of
notices or

Ordinances in official paper. dinances, in one or more newspapers of said city, it shall be deemed sufficient to publish the same in the official paper of said city.

Cemetery. Sec. 12. The Common Council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of the said city, which deed shall be signed by the Clerk, and countersigned by the Controller.

Deed.

Potter's field. Sec. 13. The Common Council shall have power to purchase a potter's field, within or without the city limits, for the burial of the city poor, and make such rules and regulations concerning the same as they may deem necessary.

Road to Oakwood cemetery The Common Council may construct, grade, gravel, pave, plank or repair any street, road or highway without the corporate limits of the city, leading to the cemetery owned by it and known as Oakwood cemetery, and may join with the township of Saginaw in constructing, grading, graveling, paving, planking or repairing from time to time any such street, road or highway leading to said cemetery, on such terms and conditions as may be agreed upon with the township board of said township. All sums expended by the Common Council upon such road or highway to be paid out of the general highway fund of the western taxing district.

City almshouse. The Common Council shall also have power whenever, in their opinion, the necessities of the city require, to cause to be constructed by the Board of Public Works of said city, a city almshouse, and a city market or markets, or other necessary public buildings; to acquire by purchase or otherwise, all necessary lands whereon to locate the same and to appoint the keepers, clerks, and

City market, etc.

Purchase lands therefor.

necessary officers thereof, and may make such regulations concerning the same as the Common Council may think proper; but no such public building shall be constructed or built, until said Common Council shall be authorized to levy a tax therefor, as provided in section two of title five of this Act. Appoint keepers, etc. Tax authorized.

Sec. 14. The Common Council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, and saloon keepers and others as are now, or may hereafter be conferred by the general laws of this state upon township boards or upon the corporate authorities of cities and villages. Regulation of taverns, etc.

The Common Council shall have power to regulate and license all taverns and houses of public entertainment, all restaurant and eating houses, in such sum or sums as the Common Council may direct or require. Amount of license.

The Common Council may prohibit boxing or sparring for a purse, stake, trophy or reward, or when an admission is charged or paid to see such boxing or sparring. May prohibit boxing, etc.

Sec. 15. During the month of July in each year, the Controller, in addition to the duties herein prescribed, shall audit and settle the accounts of all officers and other persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditures made by the Common Council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, planking, repairing and altering streets and building and repairing bridges, the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be Controller's annual statement. Contents.

necessary to a full understanding of the financial concerns of said city, and present the same to the Common Council of said city, the said statement shall be filed with the papers of the city, but it shall not be necessary to publish the same in full in the proceedings of the Common Council.

Ferries.

Sec. 16. The Common Council of the City of Saginaw, shall have the sole and exclusive power, from time to time, to license, continue and regulate as many ferries across the Saginaw river, for the carriage and transportation of people, goods and chattels across the said river, and in such manner as shall appear to them most conducive to the public good.

Compensation of aldermen.

Sec. 17. The aldermen shall be allowed as compensation for their services, such sum as shall be determined by the Common Council, not to exceed, however, the sum of five dollars for actual attendance at each session of the Council, and the Mayor shall have an annual salary of one thousand dollars, to be certified by the Clerk to the Controller quarterly and paid out of the general fund.

Salary of Mayor.**Absence of alderman without leave to cause vacancy.**

Sec. 18. Any Alderman who shall be absent from the sessions of the Common Council, without leave, for six consecutive weeks, shall be deemed to have resigned, and the office shall be deemed vacant, and the Common Council may order a new election, to fill such vacancy, as in this Act provided in case of vacancies.

Deposit of city moneys, etc.

Sec. 19. The Common Council shall have the power to direct the deposit of all moneys, bonds, papers and evidences of value in any bank or banks, and to contract with any such bank or banks for the safe keeping of all public moneys, and for the receipt of interest at a rate not exceeding eight per cent. upon such moneys of the corporation, deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund, unless herein otherwise provided for: PROVIDED: That when the Common Council has directed the Treasurer

Rate of interest.**Belong to sinking fund.**

to deposit said moneys with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the Common Council, sufficient to protect the city from loss. No such bond shall be received and accepted or approved by any officer, committee or said Common Council, unless the surety or sureties signing such bond shall first have justified their pecuniary responsibility over their signature, in writing, endorsed on said bond or attached thereto. And before any such bond shall be received and approved or accepted the justification of the sureties thereof, shall, in the aggregate, equal the penal sum of the bond, and show that the sureties thereon are worth in unincumbered property, not exempt from execution under the laws of this state, the penal sums thereof, after payment of all just debts, claims and liabilities. Such oath of justification shall be administered by some officer authorized by law to administer oaths, and any person knowingly or willfully making any false statement of his pecuniary responsibility in such justification, shall be guilty of perjury and liable upon conviction thereof, to the penalty for perjury. Any person or persons, receiving or accepting or approving any such bond without such justification, shall be guilty of a misdemeanor, and shall further be liable for all damages that may be sustained or incurred by the city by reason of such defective bond being accepted or approved.

Bank to give bonds.

Justification of sureties.

Acceptance, etc., of unjustified bond a misdemeanor.

Sec. 20. The Common Council shall have power to expel or remove from office any of its own members, or any other officer holding office by election, except the Mayor, Recorder and Justice of the Peace, for corrupt or willful malfeasance or misfeasance in office, or for the willful neglect of the duties of his office, by a vote of two-thirds of all the Aldermen elect; and in such case the reasons for such expulsion or removal shall be entered upon the records of the Common Council, with the names and votes of the members voting on the question. But no officer holding office by election shall be removed

Impeachment of members and certain officers.

**Accused must
be furnished
a copy of the
charges.**

**Power to
issue
subpoenas
and to compel
the
attendance
of witnesses.**

**Failure to
appear
deemed good
cause for
removal.**

or expelled by said Common Council, unless, first furnished with a copy of the charges against him in writing, and be allowed to be heard in his defense, with aid of counsel; and for the purposes hereof the Common Council shall have power to issue subpoenas, to compel the attendance of witnesses, to examine witnesses upon oath, to be administered by the presiding officer, and to compel the production of papers, when necessary, and shall proceed, within ten days after service of a copy of the charges, to hear and determine upon the case. If any such officer shall neglect to appear and answer to said charges, his default shall be deemed good cause for his removal from office.

TITLE IV.

OFFICERS—THEIR RIGHTS, POWERS AND DUTIES.

Section 1. It shall be the duty of the Mayor to take care that the laws of the State, and the ordinances of the Common Council, be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the Common Council such measures as he shall deem expedient, to expedite such as shall be resolved by them; and in general to maintain the peace and good order and advance the prosperity of the city. The Mayor shall be an ex-officio member of all the boards of the City of Saginaw (except the school boards), and it shall be his duty to attend all the meetings of said boards, and he shall have a right to speak on any and all matters that come before said boards, but he shall have no vote thereon. The Mayor may also issue process and hear in a summary way any complaint against any person to whom a license of any description has been granted, in pursuance of this Act, for any violation of the laws of the State or the ordinances of the Common Council, and may issue subpoenas and compel the attendance of witnesses on the hearing of such complaint, in the same manner as a Justice of the Peace in the trial of civil causes, and on such hearing may annul such license or suspend it for a certain time. Every determination on such complaint shall be forthwith filed with the Clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personally or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination.

Duties of Mayor.

Member Boards.

No vote.

May issue process and hear complaints in matter of licenses.

Hearing.

Termination filed with City Clerk.

**Official bonds,
where filed.**

Sec. 2. All official bonds of said city shall be deposited with the Clerk of the city for safe keeping, unless the Council otherwise order, in which case they shall be deposited as they may direct, and it shall be the duty of the officer with whom such bonds are deposited to deliver the same to his successor in office. The official bond of the Clerk shall be deposited with the City Treasurer.

**Duty of
alderman.**

Sec. 3. It shall be the duty of every Alderman in said city to attend the regular and special meetings of the Common Council; to act upon committees when thereunto appointed by the Mayor or President or Common Council; to order the arrest of all persons violating the criminal laws of this state, or the ordinances, by-laws, or police regulations; to report to the Mayor, all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this Act. The Mayor, Recorder and Aldermen, by virtue of their respective offices, shall be conservators of the public peace.

**Conservators
of the public
peace.**

**Controller,
general
duties of.**

Sec. 4. It shall be the duty of the Controller to keep the financial accounts of said corporation, to countersign all cemetery deeds and orders upon the treasury, and sign all bonds and burial permits and all evidences of debt and transfer of property which the Common Council or corporation are authorized to issue or make, pledging the faith of said city; to receive all accounts and demands against said corporation, examine them in detail, audit or allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, with the date of their allowance, and the funds out of which payable, and when so audited, to report the same to the Common Council, and when payment shall be duly authorized by the Common Council, to countersign and register the orders drawn therefor by the City Clerk upon the City Treas-

**Audit
accounts.**

**Council to
authorize
payment.**

urer. No claim so audited shall be binding against the city until approved by a vote of the Common Council. The Controller shall keep a record of bonds issued by said corporation, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep account in proper books of all such bonds and the bonded indebtedness, for the information of the Common Council. He shall also, in like manner, keep accounts of all funds, taxes, assessments, receipts and expenditures, and during the month of July in each year, shall make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto; the Controller shall advertise and receive proposals for all contracts and on behalf of the city, except as in this Act otherwise provided, and the Controller shall report his action thereon to the Council. He shall sign all contracts and agreements on behalf of the city, except as in this Act otherwise provided, subject to the orders of the Common Council, and make all purchases of materials, tools, books, stationery, apparatus, and property for the city or its officers, not otherwise provided for herein, or ordered by the Common Council. He shall keep a record of all officers and employees of the city, and certify the pay rolls and wages of all such officers and persons to the Common Council. He shall be charged with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report the same when required by the Council. It shall also be the duty of the Controller to take and exercise a general supervision of the financial concerns of the corporation, to keep a complete set of books exhibiting the condition of the said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof, of each fund or appropriation for any distinct object of expenditure, or class of expenditures. Whenever any such fund or appropriation has

Record of bonds.

Financial statement.

To advertise for proposals etc.

Sign contracts etc.

Make purchases of supplies,

Certify pay rolls.

General supervision of city property.

May require reports

To exercise general financial supervision.

No warrants
to be drawn
on exhausted
accounts.

Account
with City
Treasurer.

Warrants
attached to
tax rolls.

Salary.

Bond.

Seat in
Council

been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the City Clerk nor countersigned by the Controller against such fund until another appropriation shall have been made. The Controller shall open an account with the City Treasurer, in which he shall charge said City Treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city, of whatever nature. He shall charge to the Treasurer all taxes, which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys and property placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener as the interest of the city and the safety of its property may require; and he shall give said Treasurer and all other officers credits for all money disbursed, upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. The Controller shall make out and attach warrants to all tax rolls in said city, whether for state, county, city, general or special assessments or taxes, and such warrants shall be in the usual form of law, and shall have the same virtue, force and legal effect as warrants made by the supervisors of townships pursuant to the laws of the state. The Controller shall also perform such other duties as are, or may be, prescribed by this Act, or by the ordinances of the Common Council, not inconsistent herewith, and shall receive for his services such annual salary as the Common Council shall prescribe; and he shall give a bond, with sureties, in the sum of not less than five thousand dollars, for the faithful performance of the duties hereby imposed. He shall have a seat in the Common Council, and may speak upon all matters that come be-

fore the Council, relative to the duties of his office, and serve upon committees thereof, but shall have no vote in said Council. The Controller shall also, on or before the third Monday in April in each year, submit to the Common Council a statement in detail of the amounts of money, which, in his opinion, it will be necessary to raise by taxation, for all city purposes, for the next fiscal year.

Serve on committee.

Statement of money to be raised.

In case of disqualification, inability or absence from the city of the Controller, the deputy controller shall perform all the duties of the Controller, and in case the office of the Controller shall become vacant from any cause, such deputy shall act as Controller until such vacancy shall be filled; and he shall perform such other duties as may be prescribed by law or any ordinance of the city, and shall have such salary as the Common Council shall fix.

Deputy Controller. Duties

Salary.

Sec. 5. It shall be the duty of the Assessor, annually, to assess all the property in said city, liable to taxation under the laws of this state, now or hereafter in force, for the purpose of levying taxes lawfully imposed thereon and who shall, for the purpose of making such assessment, have all the powers and perform all the duties of Supervisors of townships in this state, subject to the limitations contained in Title VI. The Assessor shall also prepare and make the returns required by law relative to the registration of births and deaths of said city, and perform such other duties as this Act imposes. In the year of eighteen hundred and ninety-seven it shall be the duty of the Assessor to make a copy of the annual assessment roll, as finally confirmed, upon which he shall ratably assess the county and state taxes as provided by the general laws of this state. When said roll shall be completed, footed and balanced, the Assessor shall deliver the same to the Controller, who shall annex thereto a warrant directed to the Treasurer commanding the collection of the taxes thereon assessed, and the returns to be made to the County Treasurer, in like manner as

Assessor.

To assess property.

Make returns of births and deaths.

Assessment roll of 1897.

the same is or may be by law required in warrants of township treasurers for the collection of the taxes in the townships of this state.

**Rolls of 1898
and
thereafter.**

City roll.

**State and
county tax.**

The Assessor shall, in the year eighteen hundred and ninety-eight and each year thereafter, ratably assess in dollars and cents, the amount of state and county tax, the same to be placed in the city assessment roll, as confirmed by the Board of Review, in columns separate from the city tax, one column to be marked state and the other county tax; the same to be assessed as provided by the general laws of the State of Michigan, except when changed by the Charter of the City of Saginaw. On the first Monday of November the Treasurer of the city of Saginaw shall deliver to the City Assessor the city tax roll, and the City Assessor shall spread upon said city tax roll a copy of said assessment roll so far as it pertains to the state and county tax, the same to be placed in columns separate from the city tax, one column to be marked state tax, and the other county tax. When the same is completed, footed and balanced, the Assessor shall attach his certificate to each of said books, certifying that the same is the state and county tax roll for the ward for which it was made. The Assessor shall, on or before the third Monday in November, deliver said state and county tax roll to the City Controller, who shall make entry of the same and of the totals of all taxes assessed thereon in reference to the state and county tax, on the books kept in his said office. And the said Controller shall, on or before the first Monday in December, deposit said state and county tax roll with the City Treasurer, and take his receipt therefor and charge him therewith. Before the Controller delivers said state and county tax roll to the City Treasurer, a warrant shall be issued and annexed to each of said books, signed by the Controller, under the corporate seal of said city, directed to the said Treasurer, commanding and authorizing him to collect from the persons named in each of said books, the state and county taxes and assessments therein set forth due from such persons; and the collection of said

**Assessor to
deliver tax
roll to
Controller.**

**Controller's
warrant to
Treasurer.**

taxes and the return to the County Treasurer shall be in the same manner as taxes collected in the townships under the general laws of the State of Michigan. Returns to County Treasurer.

In case of disqualification, inability or absence from the city of the Assessor, or vacancy in the office of Assessor, the deputy Assessor shall perform all the duties of the Assessor, and in case the office of Assessor shall become vacant from any cause, the deputy Assessor shall act as Assessor until such vacancy shall be filled, and he shall perform such duties as may be prescribed by law or any ordinance of the city. Deputy Assessor.

The Assessor and his deputy shall each have power to administer oaths and affirmations whenever necessary to the proper discharge of the duties of the office, and shall receive such compensation for their services in the performance of the duties of such office, as the Common Council may determine, and the Assessor shall be subject to removal for cause the same as other officers appointed by the Common Council. All abstracts of title belonging to the city, and all deeds, conveyances and evidences of title, and all assessment rolls, shall be kept in the Assessor's office, and it shall be the duty of the Assessor to keep a list and record of all real estate owned or controlled by the city, and said record shall be properly indexed. Power to administer oaths. Salary. Removal. Evidence of title, etc., kept in office.

The Assessor may have a seat in the Common Council and may speak on all matters relating to the duties of his office; but said Assessor and said deputy Assessor shall not receive, for any duties imposed, or for services rendered to said city beside their salaries, any fee or reward whatever which shall be paid out or withheld from the city treasury. Seat in Common Council. No extra fee.

Sec. 6. The City Clerk shall keep the corporate seal and all the papers and files belonging to said city as a corporation, not properly by this Act in the custody of some other officer thereof, and shall make a full and complete record of the proceedings of the Common Council, and all boards that he may be clerk of, whose meetings City Clerk to keep seal, papers and files. Record of Council proceedings

and of the
several
boards.
Attend
meetings.
Copies
certified by
Clerk to be
evidence.
Publication
of ordinances.

it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the Common Council and boards, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained. He shall publish all ordinances passed by the Common Council at least three times in the official paper of said city, and no ordinances shall take effect until the expiration of at least three days from the date of the first publication thereof, and a record made by the Clerk of the said city, or a copy of such record or entry duly certified by him, shall be PRIMA FACIE evidence of the time of such first publication. All laws, regulations, ordinances and proceedings of the Common Council may be read in evidence in all courts of justice, and in all proceedings before any officer, board or body in which it shall be necessary to refer thereto; either,

Ordinances
and
proceedings of
the Council,
how proved.

First—From a copy certified by the clerk of the city, with the seal of the city of Saginaw affixed.

Second—From the volume of ordinances printed by authority of the Common Council; or,

Third—From the volume of the official printed proceedings of the Common Council, signed by the clerk, with the seal of the city of Saginaw affixed.

Issue
licenses.

The clerk shall issue all licenses granted for any purpose whatever by the Common Council, and shall enter, in an appropriate book, the name of every person to whom a license is granted, and the number and date thereof, the time during which it is to be continued in force, and the sum paid for such license. No license, for any purpose granted shall be valid until thus attested by the clerk. Said clerk shall also sign all orders drawn upon the city treasury, for claims allowed by the Common Council. He shall sign all cemetery deeds and attest all contracts awarded by the Board of Public Works, and countersign all bonds and other like evidences of debt. He shall keep a record of all bonds and other papers that he countersigns. He shall also act as clerk

Record of
license.

Sign orders
on the
Treasurer,
cemetery
deeds,
contracts.

Record of
bonds.

of the Recorder's Court, of the Board of Public Works, the Board of Health, the Board of Estimates and the Board of Police Commissioners of said city, and, when so required, of the standing or special committees of the Common Council, and perform such other duties as may be required by law of the township clerks, so far as applicable under this Act or the ordinance of the city.

To be Clerk
of Recorder's
Court.
Boards and
committees.

He may also appoint a deputy City Clerk, for whose acts he shall be responsible. Such deputy shall hold his office during the pleasure of the clerk, and may perform any act or duty devolving upon the City Clerk, and in case the office of the City Clerk shall become vacant, or his inability to act, such deputy shall act as clerk until such vacancy shall be filled, and he shall have such salary as the Common Council shall fix.

Deputy City
Clerk.
Appointment
of.

Salary.

All votes, ordinances, resolutions and proceedings of the Common Council shall, except as herein otherwise provided, be published at least once, by the City Clerk, in the official paper of said city, within eight days after the session of the Common Council in which the same were had or passed.

Publication
of Council
proceedings.

Sec. 7. The Treasurer shall receive all moneys belonging to the city, including school moneys, and shall receive all taxes of said city, levied by order or authority of the Common Council, Board of Education and Union School District, except as herein otherwise provided. The Treasurer shall also collect all rents, interest, claims and dues to said city, arising from rentals, leases, sales of property, or claims of any other nature whatever, not herein otherwise provided for. He shall hold all bonds, notes, mortgages and other evidences of debt or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the Common Council, and the school moneys under the direction of the Board of Education and Union School District, and shall keep an accurate account of the same and of all the receipts and expenditures thereof, and with every fund or appropriation thereof made by this Act, or by the author-

Treasurer's
duty to
receive all
moneys.

Collect all
rents, claims,
etc.

Hold all bonds
notes, etc.

Council
directs the
deposit of
city moneys,
School
Boards of
school
moneys.

	ity and direction of the Common Council or Board of Education of the City of Saginaw, east side. He shall pay no money out of the treasury, except in pursuance of, or by authority of law, or in satisfaction of warrants drawn by order of the Common Council signed by the City Clerk and countersigned by the Controller; or of coupons and bonds regularly and lawfully issued by said corporation; or in case of school moneys, belonging to the Board of Education of the City of Saginaw, east side, on orders drawn by the Secretary and countersigned by the President of the Board of Education of the City of Saginaw, east side. He shall keep an accurate account of, and report to the Common Council once in two weeks, a detailed statement of all taxes collected and money received, as well as moneys disbursed, and a trial balance thereof, a copy of which report shall be filed with the Controller, and at the end of every quarter, shall make a full settlement with the Controller and Finance Committee of the Common Council, producing the vouchers of all transactions, which vouchers shall be cancelled by said Controller and Committee, and the result of said settlement reported to the Council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same were issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn, as written upon the face thereof. The Treasurer's office shall be in the city hall, where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any tax payer of said city, at reasonable hours in any week day and where all bonds, coupons and warrants shall be presented for payment; and the Treasurer shall not discriminate as to parties holding bonds, coupons, warrants, or other lawful demands, and shall pay them only when presented at this office, unless a different place be named in such bond or other demand. The City Treasurer shall collect all the state and county taxes, assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer
Money paid out on warrants.	
Statement and trial balance reported to Council.	
Quarterly settlement.	
Bonds and coupons, how paid.	
Office to be in City Hall.	
Books subject to inspection by taxpayers.	
Collect all taxes.	

and school taxes, and all such special taxes as may be from time to time levied by the Common Council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this Act, or the laws of this state, as may be placed in his hands for collection, by the Controller or other proper officer of said city; and the warrant of the Controller of said city shall confer full power and authority upon said Treasurer to collect by levy and sale all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by the supervisors of townships under the laws of this state, and such Treasurer shall give receipts for all taxes collected by him, and mark same paid upon the proper rolls, and shall, on Monday of each second week, deposit with the Controller a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon, as required by the warrant of the Controller, the provision of this Act and the laws of this State: Provided, That the returns of all state and county taxes shall be made direct to the County Treasurer of the county of Saginaw. The City Treasurer shall appoint one or more deputy Treasurers, subject to the approval of the Common Council. Such appointment shall be in writing, shall be filed with the Clerk, and submitted to the Council; such deputy shall have all the power and authority of the City Treasurer, so far as relates to the collection of taxes, subject to the control of the Treasurer; and the Treasurer shall be responsible for all the acts of his deputy, and shall pay him for his services. The Treasurer shall obey all the orders and resolutions of the Common Council, not inconsistent with the provisions of this Act, and shall turn over to his successor in office all moneys, books, papers, and property of every kind and description due and belonging to said corporation, on demand.

Report to
Controller.

Returns to
County
Treasurer.

Deputies.

Their powers
and authority.

Treasurer to
pay hire.

Treasurer to
deliver over
books, etc.,
to his
successor.

Sec. 8. For the collection of all State and county taxes the City Treasurer shall be entitled to add to all

City treasurer
to add
collection fees

and interest
to taxes.

Credit same
to sinking
fund.

Council to
prescribe
percentage
on tax roll.

Bond of
Treasurer.

Council may
require new
bond, when
failure to
furnish new
bond may
declare office
vacant.

Salary.

All fees to
sinking fund.

Deputy City
Treasurer.
Salary.

such taxes collected by him the same interest, collection fees and charges as are now or hereafter may be provided by the general tax laws of the State for interest, collection fees and charges on township tax rolls when collected by the township treasurers of this state: Provided, however, That all such collection fees and charges which are now, or hereafter may be, by the general tax laws of the State, payable to the township treasurer to his own use, shall, when collected by said City Treasurer, be by him paid into the sinking fund of said city, for the use of said city. The Common Council shall have power to prescribe the percentage to be added to all tax rolls not herein otherwise provided for, and to direct to what fund it shall be credited, and may direct the Treasurer as to the deposit and safe keeping of all books and papers in his office, and may require of him bonds, with some reliable and satisfactory fidelity or surety company, or other satisfactory parties, as surety or sureties, in such amounts as the Common Council may determine, for the faithful performance of his duties as Treasurer. The Common Council shall also have power at any time during the term of office of said Treasurer, when they may deem the existing bond furnished by said Treasurer insufficient from any cause to require the said Treasurer to procure and execute a new or additional satisfactory bond to the city in such sum as they may direct, and in default of his furnishing the same within ten days after service on him of a copy of the resolution of the Common Council requiring it, the Common Council may declare such office vacant, and proceed to fill the same as hereinbefore provided. The Treasurer shall receive an annual salary of twenty-eight hundred dollars, and all collection fees and perquisites prescribed by law shall be collected by said City Treasurer and his deputy, and paid into the sinking fund of said city for the use and benefit of said city. The Deputy City Treasurer shall receive an annual salary of twelve hundred dollars, which shall be paid in the same manner as other city officials are paid. The City Treasurer shall, subject to the approval

of the Common Council, employ the necessary clerks in said office, and their salaries or compensation shall be fixed and paid by the Common Council. ^{Clerks' salaries.}

Sec. 9. The City Attorney shall be an attorney and counselor-at-law, in good standing and admitted to practice in all the courts of the state. He shall, on application of the Common Council, or of any officer of the city, furnish advice relative to all matters of law in the discharge of their duties, appear in behalf of the city, and of all public boards thereof, in all suits, and perform such other legal duties as may be prescribed by ordinance. ^{City Attorney.} ^{Duties of.}

The City Attorney shall receive an annual salary, to be fixed by the Common Council, but shall not receive for any duties imposed or services rendered to said city during the term of his office, besides his salary, any fee or reward whatever which shall be paid out or withheld from the treasury of said city, except for services as supervisor in attending the sessions of the Board of Supervisors, for which service, the same compensation shall be allowed as to other supervisors. ^{Salary.}

Sec. 10. The Constables in the several wards shall possess the same powers and perform the same duties and obligations as Constables of townships, and give like security; they shall obey the orders of the Mayor, Recorder and Aldermen, or of any person legally exercising the criminal jurisdiction of Judge or Justice of the Peace in said city, in enforcing the laws of the state and the ordinances of the said city, and in case of neglect or refusal so to do, they shall be subject to a penalty of not less than one nor more than twenty-five dollars. ^{Constable.} ^{Duties of.} ^{Shall obey the orders of the Mayor, etc.} ^{Penalty for neglect.}

Sec. 11. The expense of examining and committing offenders against any law of this state, in the said city, and of their confinement, shall be audited, allowed, and paid by the Supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county. ^{Expense of examining offenders of State law a charge against the county.}

Supervisors
of wards to be
members of
Board of
Supervisors
of Saginaw
County.

Compensation

Assessor,
Controller,
City Attorney
and President
of the Board
of Assessment
and Review.
to be members
of the Board
of Supervisors.
Compensation

Sec. 12. The supervisors of the several wards of said city, shall be members of the Board of Supervisors of Saginaw county, and shall perform all the duties of Supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township Supervisors, and to such additional compensation as is hereinbefore provided. The Assessor, Controller, City Attorney, and President of the Board of Assessment and Review, shall be members of the Board of Supervisors of Saginaw county, and represent the interests of this corporation in said board, and as supervisors, shall be entitled to receive the same compensation as other Supervisors, for attendance upon said board.

Forest Lawn
Cemetery
fund.

How
constituted
invested and
expended.

Oakwood and
Brady Hill
Cemeteries
to share.

Treasurer to
be custodian.

Sec. 13. The amount standing to the credit of the Forest Lawn Cemetery Fund on the first day of April, 1893, together with fifty per cent. of all moneys which shall from time to time thereafter be received from the sale of lots and single graves in said cemetery, shall constitute a trust fund as hereinafter provided, the income of which, together with the remaining fifty per cent., shall be used for the general care and maintenance of said cemetery and for the purpose of properly caring for lots and single graves that have been sold in said cemetery. And the Treasurer of said city is hereby authorized to accept from lot owners and others such sums as may be agreed upon, to be invested as hereinafter provided, the income thereof to be used only for the purpose of properly caring for such lots and single graves in Oakwood and Brady Hill Cemeteries as contribution has been made for. The sums so contributed to be expended in said cemeteries respectively, shall constitute and shall be kept in separate funds.

All moneys received for said purposes or for the use of said funds, shall be paid to the Treasurer of said city, to the credit of said funds respectively, who shall deposit the same with the other moneys of said city and shall

credit such trust funds with their proportionate share of the interest paid on city deposits.

Such trust funds shall be invested only in the bonds of the city of Saginaw or any other good securities that are approved by the Mayor, Controller and Treasurer of the city.

How fund to be invested.

The City Treasurer shall be the custodian of said trust funds, and whenever he shall have an opportunity to invest the amount standing to the credit of said trust funds, he shall do so, upon the advice and written consent of the Mayor and Controller of said city.

The warrant of the Controller upon the City Treasurer when countersigned by the Mayor, shall be a sufficient voucher for the withdrawal of said money for the purpose of investment. Whenever any money is needed for the purpose of caring for said lots or graves, or for the general care and maintenance of said cemeteries, and there is any income available in the proper fund, the same, or so much thereof as may be required, shall be paid by the Treasurer when allowed by the Common Council.

Warrant of Controller to be countersigned by Mayor.

The custodian of the above funds shall report to the Common Council at the close of each fiscal year the condition of said trust funds and in what securities the same are invested, the amount of income derived during the year and the amount expended.

Annual statement.

Sec. 14. The City Physician, Health Officer and his assistants, Fire Wardens, Pound Masters, Inspectors of Firewood and Hay, Weigh Masters, Harbor Masters and Scavengers, shall perform such duties, and if required, shall file such securities as the Common Council shall order.

Other city officers, duties and bonds.

Sec. 15. On or before the first Monday of April in each year the Board of Public Works, the Board of Police Commissioners and the Committee on Fire Department of the Common Council, shall recommend to the Common Council the salary to be paid to the several officers and employes of said respective boards and departments

Board of Public Works, Board of Police Commissioners and Committee on Fire Department to recommend salaries of officers of their respective

tive Boards
and
Departments.

Submit same
to Common
Council.

Common
Council to fix
salaries of city
officers.

for the ensuing year, and each of said boards and the Committee on Fire Department shall also at the same time submit to the Common Council an estimate of the amount of money which, in their opinion, will be required to meet the expenses of their respective departments for the ensuing fiscal year. And the Common Council shall annually, at their first regular meeting in the month of May, or as soon thereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city, and they may also from time to time establish fees and compensation of all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury.

Officer
deliver books,
etc., to his
successor.

Sec. 16. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire or be limited by this Act, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects of said corporation in his possession or custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally, for the like offense, under the general laws of this State, now or hereafter in force, or applicable thereto; and every officer appointed or elected under this Act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

Failure to do
so a
misdemeanor.

Council may
prescribe
additional
duties.

Sec. 17. In addition to the rights, powers, duties and liabilities of officers prescribed in this Act, all officers, whether elected or appointed, shall have such other rights, duties, power or liabilities, subject to and consistent with the provisions of this Act, as the Common Council may deem expedient, and shall prescribe by resolution, by-law or ordinance.

TITLE V.**TAXES, FUNDS, REVENUES AND EXPENDITURES.**

Section 1. The resources and moneys of the corporation shall be controlled by the Common Council as herein provided; and the said Common Council is hereby vested with the power to order assessments, direct the levying of taxes, and provide for the collection of the same, under the provisions and restrictions in this Act contained; and all assessments, taxes and revenues of said corporation shall be paid into and form a part of one of the following named funds, viz:

Power to levy and collect taxes and control resources vested in Council.

First. General fund, which shall be appropriated to defray the expenses of the city of Saginaw, for the payment of which out of some other fund, no provision is herein or otherwise made. General fund.

Second. Highway fund, to defray the expenses of repairing paved, graded, planked and improved streets, and for the construction and repair of cross-walks, bridges, drains, culverts, the cleaning of streets, sidewalks, altering, repairing and cleaning sewers, drains, parks, public places, and such other general highway purposes as the Common Council may direct. Highway fund.

Third. Fire Department fund, which shall be appropriated to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the regularly appointed firemen of the city, and all other expenses incident and necessary to the maintenance of the fire department of said city. Fire Department fund.

Fourth. Sinking fund, to pay and discharge the principal and interest of the bonded indebtedness of the city, of every description, provision for the payment whereof is not otherwise made. To this fund shall be Sinking fund.

credited and paid, at the end of each fiscal year, all interest and penalties received on delinquent taxes and assessments.

Sewer fund. Fifth. Sewer fund, to defray the expenses of constructing the public sewers of the city.

Sewer bond and interest fund. Sixth. Sewer bond and interest fund, to redeem and pay the (sewer) bonded indebtedness of said city, and the interest thereon.

Street improvement bond and interest fund. Seventh. Street improvement bond and interest fund, to pay all bonds, with interest thereon, issued in pursuance of section twenty, title VI of this charter.

Poor fund, Eighth. Poor department fund, to defray the expense of providing for and taking care of the poor of the city.

Street improvement fund. Ninth. Street improvement fund, to be assessed, levied and collected as hereinafter provided in title VI

Proviso. of this Act: PROVIDED, That where said several funds belong to the eastern or western taxing districts, as in this Act provided; they shall be so kept and designated.

Lighting fund. Tenth. Lighting fund, to defray the expenses of operating, maintaining and extending the lighting works of said city.

Other funds. Eleventh. Such other funds as are herein provided for or as the Common Council may constitute for special purposes, not inconsistent with the provisions of this Act, not to be taken from any of the funds above provided for, except the general fund.

Police fund, Twelfth. Police Department fund, to defray the expenses of maintaining the police department.

Council may raise annually by tax money for several funds. Sec. 2. For the purpose of defraying the ordinary expenses and liabilities incurred by said city, and paying the same, the Common Council may, with the approval of the Board of Estimates, as in this Charter provided, raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary for the several funds hereinbefore specified, not exceeding the following per cent. on the valuation of the

real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax, for the following funds, viz :

General fund, including poor and police department, Percentages allowed to be raised.
eleven-twentieths of one per cent.

Highway fund, one-half of one per cent.

Lighting fund, one-fifth of one per cent.

Fire Department fund, one-fourth of one per cent.

Sinking fund, one-tenth of one per cent.

If the Common Council shall deem it expedient for the purposes of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days' notice, by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in each ward in said city, call a meeting of the tax paying electors of each ward of said city, to be held on a day designated in said notice, at some place designated in each election district of said city, and the said taxpayers may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as shall be decided by a majority vote of all the taxpaying electors voting at such election, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying or collection of other taxes mentioned in this Act: PROVIDED, That the manner of voting at such meeting shall be by ballot, and that no person shall vote at such meetings who is not a taxpayer and elector in said city and the resident of the ward and district in which he offers to vote, and who was not assessed on the last city tax roll; said election shall be conducted as far as possible in the manner provided for conducting general and special elections in said city, and the inspectors of such election shall have the power to require any person offering to vote thereat to be sworn as to his qualifications to vote at such meeting, and if such person should swear falsely

Special meeting required to levy additional tax.

Who may vote and how.

in reference to his qualifications to vote at such election, he shall, upon conviction thereof, be deemed guilty of the crime of perjury and be punished therefor.

Licenses and
fines to be
paid into
general fund.

Sec. 3. The moneys assessed by the Common Council, under the authority of this Act, for licenses and permits, and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into the general fund of said city.

Common
Council to
submit
estimates
to the Board
of Estimates,
on or before
first Monday
in May.

Sec. 4. The Common Council after revising, altering and approving the estimates submitted to it by the Controller, as provided by section four, title four, shall, on or before the first Monday in May, transmit the same, together with an estimate, of any other taxes approved by it to be raised for the ensuing year for the approval of the Board of Estimates as provided in this Charter, and all propositions and resolutions for the borrowing of any money on the credit of the city or issuing any bonds shall also in like manner be submitted to the Board of Estimates, except as herein otherwise provided. It shall be the duty of the Common Council, on or before the third Monday of May of each year, to determine by resolution the amount necessary to be raised by tax for the city purposes within said city for such year, which amount shall not for any purpose exceed the amount theretofore approved by the Board of Estimates, except as in this Charter otherwise provided; and the Common

Borrowing
money or the
issuing of
bonds to be
submitted to
the Board of
Estimates.

Common
Council to
determine
before the
third Monday
in May the
amount
necessary for
city purposes.

Council shall also at the same time determine and enter upon a record of its proceedings, the proportion on a percentage basis which each of the city funds, except school funds, shall bear to the total of such tax for all city purposes, except school purposes, and when any such city tax is collected as provided in the Charter of said city, same shall be apportioned to the several funds in accordance with such determination as herein above provided, and it shall be the duty of the City Clerk to certify the amount so to be raised to the Assessor, who shall assess the sum so certified and such other taxes as may be required by law upon the taxable property of said city.

Common
Council to
determine on
a percentage
basis which
each of city
funds should
bear to the
total tax,
except school
funds.

City Clerk to
certify the
amount to be
raised to the
Assessor who
shall assess
the sum so
certified.

Sec. 5. The assessment of the property and persons, ^{Manner of assessment of real and personal property} for the purpose of the city taxation shall, except when otherwise provided, be made in the same manner as is now, or may at any time hereafter be, required by the general tax laws of this state. The Assessor may divide the assessment roll into separate books, one for each ward in said city, which books shall constitute for all purposes the assessment roll of said city, assessing real estate in the ward in which the same, or any part thereof, may be situate, and personal property in any ward of said city in the proper taxing district. Shares in banks ^{Where bank shares may be assessed.} or other corporations may be assessed in the ward in which the business of such bank or other corporation is conducted. The Assessor shall prepare for said assessment roll a complete index, showing in alphabetical order, the names of all persons therein assessed for personal estate, with reference to the page and book where the assessment may be found. He shall complete said roll on or before the last Monday of April, and submit the same at that time for the action of the Board of Review thereon. ^{Index for personal tax.} ^{When roll to be completed.}

Sec. 6. The Common Council shall appoint five ^{Common Council to appoint Board of Review.} qualified electors and taxpayers of said city, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and annually thereafter appoint one such elector for the term of five years, who shall constitute the Board of Review of said city, and shall be entitled to such compensation for their services as members thereof as the Common Council may fix. The member of said board whose term shall soonest expire shall be the president of the board, and the Assessor shall act as the clerk ^{Compensation of Board of Review.} of said board. The Clerk of the city shall give notice of the time and place when and where said Board of Review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in the official news- ^{President of Board.} ^{Assessor to act as clerk.} ^{City Clerk to give notice of time and place when said Board will meet and length of time in session.}

<p>Board to review the annual assessment roll submitted by the Assessor.</p>	<p>paper of the city, and by posting printed copies of the same in at least twenty public places in each ward of the city at least ten days prior to the time fixed for the commencement of its session. Said board shall thereupon proceed to fully review the annual assessment of the taxable property, real and personal, of said city, made by the Assessor, and by him to be submitted to said board.</p>
<p>Power of Board to alter amend and correct assessments.</p>	<p>The board shall have power and it shall be their duty to so alter, amend and correct said assessment of persons and property on said roll as to equalize the same. They shall have the power to add to said assessment roll any person or property which may have been omitted therefrom, and to strike from said roll any property or person not subject to taxation: Provided, That no assessment shall be increased, nor person or property added to said</p>
<p>Notice to person for increased assessment.</p>	<p>roll, except upon notice to the person to be affected thereby, served in the case of a resident of the city, personally, or by leaving the same at his usual place of abode, twenty-four hours before any action is taken by the board in</p>
<p>Non-resident.</p>	<p>respect to such assessment. And in the case of a non-resident, by one publication in any daily newspaper</p>
<p>Board to keep record of proceedings. How an assessment is changed.</p>	<p>published in said city. Said board shall keep a record of their proceedings, and no assessment shall be made or changed, except by a majority vote of said board, taken by ayes and nays, and entered at large upon the record.</p>
<p>Session of Board.</p>	<p>Sec. 7. The said board shall continue in session from day to day, Sundays excepted, to and including the second Monday in May, from nine o'clock in the forenoon to twelve o'clock noon, at the office of the City Assessor, when and where any person desiring to do so, can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed. The board shall decide the same, and their decision shall be final, unless the person affected thereby shall within forty-eight hours after such decision, make and file with the City Clerk his appeal therefrom to the Common Council, in writing, and state specially the grounds of appeal.</p>
<p>Change of assessment how affected.</p>	
<p>Appeal to Council.</p>	

Sec. 8. It shall be the duty of said board, in order to familiarize themselves fully with the methods pursued in the making of said assessment roll, and with the valuation of all the respective lots and parcels of land embraced therein, to personally examine, as far as practicable, all the property described in said roll, with the value of which they are not already acquainted, and to this end, the afternoon of each day while the board shall remain in session, shall be spent in the examination of property and the detail work of correcting and equalizing the assessments in said roll, and may appoint committees from their own members, for the purpose of examining property described in such roll.

Board to personally examine property and how.

Sec. 9. When the board shall have completed their review of said assessment roll, a majority of said board shall endorse upon each book thereof and sign a statement to the effect that the same is the assessment roll for the ward for which it is made, as approved by the Board of Review. Said assessment roll so approved and certified shall thereupon be delivered to the Assessor of said city. And the Assessor shall, on the third Monday in May, submit the said assessment roll so corrected and certified to the Common Council of said city; and the Common Council shall at the same time or an adjourned session, proceed to consider the special appeal, if any, taken from the action of the board of assessment and review, and decide the same in a summary manner, correcting any errors that they may discover in the assessment, and on or before the fourth Monday in May, fully and finally confirm said assessment roll, and thereupon cause it with the record of their action thereon, to be returned to the City Assessor. The city Assessor shall thereupon proceed to ratably assess thereon in dollars and cents the amount of all taxes and assessments authorized to be assessed and collected in said city to each person named or lot described upon said assessment roll, showing in separate column the city taxes, school

Board to sign statement of approval of assessment roll.

Delivery of assessment roll to Assessor.

Assessor to submit same to Common Council, and when.

Special appeal of assessment roll.

Confirmation of assessment roll and return to Assessor.

Assessor to assess amount to be collected and how.

Assessor to make copy of assessment roll and when.

Copy to be known as tax roll and delivered to Controller.

Controller to make entry of same and deliver to City Treasurer, and when.

Treasurer to give receipt for tax roll.

tax and assessments, assessed to each person or lot, and when said roll has been completed, footed and balanced, the Assessor shall, on or before the last Monday in June, make a copy of said assessment roll as completed. The same to be divided into separate books, one for each ward, which shall be known as the city tax roll, and the city Assessor shall deliver the said tax roll to the Controller, who shall make entry of the same and of all taxes assessed thereon on the books of said office, and the said Controller shall on or before the first Monday in July, deposit said tax roll with the City Treasurer and take his receipt therefor and charge him therewith.

Controller's warrant annexed to each roll.

Interest after August 1st.

Collection fee.

Treasurer may levy on personal property.

Enforcement of taxes after July 1st and before November 1st, if Treasurer apprehensive of loss of personal property.

Sec. 10. Before the Controller delivers said tax roll to the Treasurer, a warrant shall be issued and annexed to each of said books (tax roll), signed by the Controller under the corporate seal of said city, directed to the Treasurer, commanding and authorizing him to collect from the persons named in each of said books (said tax roll) the taxes and assessments therein set forth, due from such person and unpaid on the first Monday in November next, together with interest at the rate of one per cent. per month, from and after the first day of the preceding August, for the benefit of the said city, together with such collection fee as the Common Council may by resolution or ordinance prescribe, not exceeding three per cent., and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Saginaw, which warrant shall be returnable on the first day of March next ensuing: Provided, That if at any time after the first day of July, and before the first day of November next ensuing, the City Treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until the first Monday in November, he may proceed to enforce its collection at any time,

by distress and sale of the property of the person against whom such tax is assessed, or he may bring suit for collection of such tax, and if compelled to seize property or bring suit, he may add to such tax two and one-half per cent. for collection fees.

Sec. 11. Upon the receipt of the tax roll by the Treasurer, as hereinbefore provided, the taxes thereon shall become and be due and payable, and the Treasurer shall forthwith, upon receipt of the said tax roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the general city tax roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of one per centum upon all unpaid taxes will be made thereto on that day, and a like addition of one per centum will be made for each month thereafter, until the first day of March next following; and that the payment of all taxes remaining unpaid on the first Monday of November, will be enforced by levy and sale of any personal property which may be found in said county of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon the receipt of any tax, the Treasurer shall mark the same paid upon the proper roll, adding after the word "paid," the day and month when paid, but it shall not be necessary in the receipt for the taxes, unless demanded, to state all the several taxes in detail, but it shall be sufficient to state the total thereof, and (the) one per cent. of any total represented by the several taxes upon the roll, with interest and charges, if any.

Sec. 12. By virtue of the warrant by this Act authorized to be issued by the Controller, the City Treasurer shall have power, and it shall be his duty to diligently search for and levy upon the personal property of per-

Additional
fees.

When taxes
are due.

Publication
of notice.

Notice a
sufficient
demand.

Payment,
how recorded.

Powers and
duties of
Treasurer
under warrant

sons from whom such taxes may be due, wherever the same may be found within the limits of Saginaw county, and he shall have the same powers in respect to the seizure and sale of property and all other proceedings, to enforce the collection of the taxes upon his roll as are now, or may at any time hereafter, be conferred upon township treasurers by the general laws of this state.

When tax
becomes a
lien.

Sec. 13. Every assessment or tax levied or imposed by the authority of the Common Council, or of this Act, except when otherwise provided, shall constitute a charge against the person to whom assessed, from the date of the delivery of the tax roll to the City Treasurer, and shall, together with all interest and charges, become and remain, until paid, a lien upon the lands and tenements against which the same is assessed, from the date of such delivery, and all personal taxes so levied or imposed, shall also be a lien on all personal property of such person so assessed, from and after the delivery of said tax roll to said City Treasurer, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien, on such personal property, executed or made thereafter, except when such property is actually sold in the regular course of trade. All proceedings for the levy and assessment of said taxes shall be presumed to be regular and valid. All provisions of law respecting the return and sale of property for the non-payment of taxes, for state, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, including all taxes carried into said city tax roll from any special assessment roll, except as herein otherwise provided.

State laws to
govern return
and sale.

County
Treasurer's
duty.

The County Treasurer of Saginaw county shall, on demand and as fast as the same are received, pay over to said city, the full amount of all city taxes returned delinquent for non-payment, received by such County Treasurer, together with the interest and all the collection fee thereon, and he shall also, as soon as the same are received by the county, pay over unto said city the net pro-

ceeds of the sale of all property so returned delinquent for the non-payment of city taxes of said city, or of the former cities of Saginaw and East Saginaw.

Sec. 14. The Controller of said city is hereby authorized by proper deed of release, to sell, assign and transfer to any person or persons who shall pay the City Treasurer the amount for which the same was sold, together with interest thereon, all the claims which the cities of Saginaw or East Saginaw have acquired in and to any lands heretofore bid in for either of said cities under the provisions of the several charters thereof, or any laws of this state, and which have not been redeemed by the owner or other persons interested therein, and all proceeds of such sale shall be credited by the Treasurer to the proper fund of the taxing district wherein such lands are situated.

Controller may sell claim of cities of Saginaw and East Saginaw of unredeemed lands.

Sec. 15. The Controller shall also have the authority and it shall be his duty, to execute and deliver to any person, his heirs or assigns, on the presentation of the proper certificate, a deed of conveyance of any lot or parcel of land described in said certificate, which shall heretofore have been bid off by said person at any sale for delinquent taxes held by the village of South Saginaw, and such deed or conveyance shall have the same force and effect as it would have had if executed by the proper officers of said village.

Controller to execute deed of lands bid off for taxes of South Saginaw.

Sec. 16. Whenever any general tax, either State, county or city, shall be held invalid by any Court of competent jurisdiction, it shall be the duty of the City Assessor, when notified of said fact by the Common Council, to reassess the same in the assessment roll, if a city tax; and if a State or county tax, then in the State and county assessment roll. Said re-assessment shall be made in the same manner as original assessments are made, except that the re-assessment so made shall be kept separate from the general assessment, and shall be marked "Re-assessed," in said assessment and tax roll. If a per-

Re-assessment when and how made.

Re-assessment kept separate and marked "Re-assessed."

sonal tax, it shall be assessed as personal and real estate, then it shall be re-assessed to the real estate upon which the original assessment was made, and if said re-assessment is made, the lien shall continue upon said property the same as if said tax had not been set aside.

Public improvement bonds. see page 56, how authorized.

Limit of amount.

Terms and rate of interest of bonds.

Sec. 17. For public improvements and public buildings in said city other than the City Hall, the Common Council may, if thereto authorized by a vote of the taxpayers of said city, as provided in section two Title V of this Act, borrow, on the faith of the city, a sum not exceeding one hundred thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually, and for that purpose may issue bonds of the city, signed by the Mayor and Controller, and countersigned by the Clerk, and in such forms and sums not exceeding, in the aggregate, the said sum of one hundred thousand dollars, as the said Common Council shall direct, and such bonds shall be disposed of under the direction of the Common Council of said city, upon such terms as they shall deem advisable, but not for less than their par value, and the avails thereof shall be applied only for the purpose of public improvement, and building school houses and other public buildings in said city.

Limit of liability in one year.

Sec. 18. It shall not be lawful for the Common Council, except as herein otherwise provided, to borrow any money, or authorize the creation of any liability or indebtedness against said city in any one year exceeding in the aggregate the amount which by this Act may be raised by tax for such year, and in case any sum or sums of money shall be borrowed by said Common Council, in any one year, or the said Common Council or any officer thereof, shall enter into any contract for the payment of money binding upon said city, the same shall be paid out of the sum raised by tax for such year, if the payment thereof is not otherwise provided; and all sums of money

How applied. borrowed by said city shall be applied to the purposes for

which the same was borrowed, and for no other purpose whatsoever.

Sec. 19. No real or personal property which shall be Exempted property. exempt from taxation by the general laws of this state, nor any public square, park, or other public grounds or buildings, shall be assessed for the ordinary city, state and county taxes.

Sec. 20. The fund raised for the payment of the principal of the funded debt when due, and such other sums as the Treasurer is by this act required to credit to the sinking fund (except those raised for the payment of the interest of the funded debt) shall be securely invested by the Treasurer with the advice and written consent of the Mayor and Controller, in the bonds of the United States, the state of Michigan, or of the city of Saginaw. Sinking fund, how invested.

Sec. 21. No money shall be drawn from the city treasury, unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions and orders, directing the payment of money shall specify the object and purpose of such payment, which shall be certified by the Clerk and countersigned by the Controller, before the same shall be paid by the Treasurer. Only money appropriated can be drawn and how.

Sec. 22. The Common Council shall possess the exclusive power to appropriate moneys and authorize the payment of claims and amounts chargeable against said corporation; but no unliquidated amount or claim shall be allowed or received for audit by the Common Council or Controller, unless it be accompanied by the affidavit of the person rendering it, or some person acquainted with the facts, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just; and that, to the best of his knowledge and belief, no set-off exists nor payment has been made on account thereof, except such as are included or referred to such account or claim. It Council authorize payment of claims. Claims must be sworn to.

Claims must
be presented.

Claims on
contracts,
how audited.

How tax to be
levied for
building
for a prison,
etc.

How tax to be
levied for
building
for a prison,
etc.

Bridge bonds.

Court street
south of south
section line
of 26.

First Ward.

shall be sufficient bar or answer to any action or proceeding in any court for the collection of any demand or claim against said city, that it has never been presented to the Controller or Common Council for audit and allowance; or if so presented, was rejected for want of such affidavit, or that the action or proceeding was brought before the Common Council has a reasonable time to investigate and pass upon it. All amounts due upon contracts shall be audited according to the terms thereof, without unreasonable delay, but on the final settlement thereon, the contractor may be required to make the affidavit herein provided for, as in the case of other accounts.

Sec. 23. The Common Council may, whenever thereto authorized by vote of the electors of the city, as provided in section two of this title, levy such tax in any one year, or succession of years, as the electors of said city shall authorize, for the purpose of constructing a prison or workhouse, almshouse, bridge or bridges across the Saginaw river.

Sec. 24. The Common Council is hereby authorized to issue the bonds of said city to the amount of one hundred twenty-five thousand dollars, for the purpose of raising money. First, to construct a bridge across the Saginaw river and the Emerson bayou, east from Court street, and to procure the right of way thereof; and also for the construction of a bridge across said river at such point south of the south line of section twenty-six in said city as the Common Council may deem proper, and to procure the right of way therefor; and also for the construction of a bridge across said river at such point in the First Ward of the city as the Common Council may deem proper, and to procure the right of way therefor. Provided, also, That following the construction of the Court street bridge, the Common Council may determine the time and the order in which either of the two remaining bridges provided for in this section shall be built.

Sec. 25. The Common Council of said city is hereby authorized to issue the bonds of said city to the amount of two hundred and twenty-five thousand dollars, said bonds to be in such amounts, payable at such times and places and with such rate of interest as the Common Council may determine, for the purpose of raising money to purchase a site for, and the construction of a city hall of said city, which city hall shall be located south of Atwater street, west of Franklin street, and east of the Saginaw river.

Bonds for
construction
of City Hall.

Said bonds shall be issued and the proceeds thereof shall be used for no other purpose.

It is made the duty of said Common Council to proceed immediately to procure such site and construct such city hall within said boundaries. All the offices of the city shall be located and kept, and all the city courts of the city shall be held in such city hall when completed.

TITLE VI.

OF STREET AND PUBLIC IMPROVEMENTS.

**Powers of
Council over
public
streets, etc.**

Section 1. The Common Council of the city of Saginaw shall have full power to lay out, open, widen, alter, close, fill in or grade, vacate or abolish any highway, streets, avenues, lanes, alleys, public grounds or spaces in said city.

**Improvement
declared by
resolution**

Sec. 2. When any improvement is to be made the Common Council shall so declare by resolution.

**Records of
streets,**

Sec. 3. The Common Council shall have the power to cause such of the streets and highways in said city as shall have been used for six years or more as public highways or streets, and which are not sufficiently described or have not been duly recorded, to be ascertained, described and recorded in the office of the Board of Public Works of said city, in the book of street records, and the recording of such highway, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said Common Council, and recorded in the book of street records, in the office of the Board of Public Works, by order of the Common Council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described. And the Board of Public Works is hereby empowered and it is made its duty to de-

**Grade lines to
be established
and recorded.**

termine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks and public grounds in said city, and when such grade is so established a record thereof shall be made in said book of street records or other books to be provided for that purpose, and when the grade lines of any street, highway, lane, alley or public ground has been so established and recorded, the same shall not be changed, except by the unanimous recommendation of said board, and the votes of two-thirds

How changed.

of the members of the Common Council, which change shall be recorded in the manner provided for recording the original grade line thereof. And no street shall be graded until the grade line thereof is so established.

Sec. 4. The Common Council shall have the power to cause the common sewers, drains, vaults, arches and bridges, culverts, wells, pumps and reservoirs to be built in any part of said city, to cause the grading, raising, leveling, repairing, paving, repaving, repairing or covering with stone, brick, blocks, plank or other material, any street, avenue, lane, alley, highway, public ground, sidewalk or crosswalk of said city, but all such improvements shall be done by the Board of Public Works, as herein provided; but no such public improvement shall be made by paving in any way except upon an affirmative vote of two-thirds of all the aldermen elect, unless a majority of the property owners having property fronting on the place to be so improved shall have petitioned the Common Council to make such improvement, in which case a majority vote of the Council shall be sufficient to order the same.

Powers of Council over sewers, drains, etc.

Street improvements

Board of Public Works have charge.

How ordered.

Sec. 5. The Common Council may determine that the whole or any part of the expense, including costs of estimates, plans, surveys, assessments and other expenses incidental thereto, of any public improvement, shall be defrayed by an assessment on the lands to be benefited thereby, except where the improvement is made by paving or repairing between the street car tracks or railroad tracks and between the double tracks, curves and switches, and the paving required to be done by the street car companies or railroad companies on the outside of their tracks, the width provided for in their ordinances, the cost of which shall be assessed against said street car companies or railroad companies as a personal tax, and be placed in the special tax roll, the same as when any other special improvement is made. And the Common Council shall, either before or after the completion of such improve-

Common Council to determine expense of public improvement.

Same to be assessed to property benefited.

Paving between street car tracks or railroad tracks to be paid by said companies as a personal tax.

Common Council to apportion the

cost of improvement.

Cost not to exceed the benefit received.

Board of Public Works to make statement of cost of improvement showing amount to be assessed to property benefited.

Council to approve statement and fix a taxing district.

City Assessor to make assessment.

Contents of special assessment roll.

Provisions in regard to street car or railroad companies.

ment, declare by resolution whether the whole or what portion of the cost of such improvement shall be assessed to said lands, except that portion to be paid for by said street car companies or railroad companies as above provided: Provided, however, That the assessment which may be levied upon any block or parcel of real estate, shall not exceed the benefit which it is especially deemed to have received by such improvement. When such improvement is completed, or as soon thereafter as may be convenient, the Board of Public Works shall prepare a detailed statement of the cost of such improvement, showing the amount to be assessed on the property benefited, as provided by the resolution ordering the said improvement, and the amount of cost for paving between the street car tracks or railroad tracks, double tracks, switches, curves, and the distance, if any, outside of its said tracks, as provided for by the ordinances of said city.

Sec. 6. The same shall be certified to the Common Council, and when such statement shall have been approved by the Common Council, as reported by the Board of Public Works, the Common Council shall then fix a taxing district, showing the property benefited and the amount of said improvement, and the same shall be certified to the City Assessor, who shall proceed, without unnecessary delay, to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property in said district, specially benefited, in proportion to the benefit and advantage which each description of property is deemed to receive from the making of such improvement, subject to the limitation of actual benefit, as provided in the preceding section; and said City Assessor shall make out an assessment roll, reciting in the heading thereof the improvement, and in the body of which shall be entered a description of the property assessed (except where the improvement is made by the city between the tracks, double tracks, curves and switches of the street car companies or railroad com-

panies, and the space to be paved by said companies on the outside of their tracks, in which case the same and also the amount assessed against any railway company respecting bridges or viaducts, as provided for in the preceding section, shall be placed in the special assessment roll against said street car companies or railroad companies as a personal tax), the amount or amounts in dollars and cents assessed therein, the names of the supposed owners thereof, when known, together with a diagram (which diagram shall be furnished by the City Engineer) showing the property assessed and the names of the supposed owners thereof, written upon each description of property or parcel of land so specially assessed: Provided, In all cases where the ownership thereof is unknown to the City Assessor, in lieu of the name of said owner, the words "non-resident" may be used; but no omission or mis-statement of the owner's name shall invalidate the assessment thereon.

Diagram
furnished by
City
Engineer.

Owner
unknown,
misstatement
not to
invalidate.

Sec. 7. The City Assessor shall certify upon said roll that he has made such assessment upon the property described, in accordance with the order of the Common Council relating thereto, and that said assessment contains a just and true assessment of the cost of such improvement (stating the sums thereof), and that the several amounts assessed against each description of property have been set down to the best of his judgment as said Assessor, according to the benefit and advantage which each description of property is by him deemed to receive from the making of said improvement, and that each parcel thereof is benefited specially by such improvement to the amount of the assessment thereon; and that the amounts assessed to the street car company or companies, or railroad companies, is the actual cost of paving or repaving (as the case may be) between the tracks, double tracks, switches, curves, and on the outside of the tracks of said street car or railroad company or companies.

Assessor to
certify roll.

Sec. 8. As soon as said roll is completed and certi-

**Roll to be filed
with City
Clerk.**

fied to by the City Assessor, it shall be filed with the City Clerk, who shall number it as "Special Roll No. for the year 18. . . . of the Taxing District," and shall also endorse the date when so filed thereon, and report the same to the Common Council without unnecessary delay.

**Clerk to
number and
letter.**

The rolls for the various classes of improvements shall be distinguished by a letter prefixed to the number of the roll, as follows: For sidewalks "A," for sewers "B," for street improvements, payable in five years, "C," for street improvements, payable in one year, "D," for private sewer connections "E," for private water connections "F," miscellaneous rolls "G."

**Publication of
special
assessment
roll.**

**Appoint time
of hearing.**

Sec. 9. Upon notice of the completion of such assessment and filing of any special assessment roll, the Common Council shall cause notice to be given to all persons interested therein; such notice of hearing may embrace and name all such rolls to be heard at the same time, reciting the name of said roll, by publishing same in a newspaper published in said city for three consecutive issues of said paper, that the Common Council will at such time hear objection and appeals to said assessments. It shall not be necessary in such notice to recite the names of the persons interested.

**Hearing of
objections.**

**Confirmation
of roll.**

Sec. 10. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the Common Council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part or may set the same aside and direct a new assessment; or the said Common Council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may deem proper. And the Common Council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the Council objects, and in case of such objection being made the several rolls so objected to shall be voted upon separately.

Sec. 11. Every assessment roll so ratified and confirmed shall be final and conclusive, and within five days after the confirmation thereof the Controller shall deliver the same to the Treasurer. Confirmation to be final.

Upon delivery of such roll to said Treasurer, the taxes therein specified shall become and be due and payable, and shall constitute a lien upon the property in said roll described; and the Treasurer shall forthwith give public notice of the delivery thereof to him by publication for three successive days in the official paper of the city. Taxes to be a lien upon delivery of roll to Treasurer. Notice to be given by Treasurer.

During the period of sixty days next after the receipt of roll, "A," "D," "E," "F" and "G," by the Treasurer, any person may pay to the Treasurer the amount of any taxes assessed on said roll without interest, and by payment of the amount thereof, together with interest at the rate of one per cent. per month, computed from the expiration of the said sixty days to the date of payment. Sixty day rolls. Payment of.

The Treasurer shall be charged with the amount of such roll, at the time of its delivery to him, and on or before May first next ensuing he shall make and file, under oath, with said Controller, a full and complete transcript of all parcels of real estate in said roll upon which taxes remain unpaid, together with the amount thereof, and shall, upon such return being made, together with the original rolls receive proper credit therefor upon the books of the Controller. Returns, when and to.

On or before the tenth day of May next following, the Controller shall certify to the Assessor the amount of such taxes, and a description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the rate of one per centum per month, on all sums so uncollected and unpaid, computed from the expiration of said sixty days hereinbefore specified, to the first day of August in the year in which the same shall be placed by the Assessor, as herein provided, in the tax roll next thereafter to be made in a column specifying the proper taxing district to which the same belongs, and such tax shall then be Controller certifies unpaid taxes to Assessor. Transfer to city tax roll.

levied, collected and returned and the said premises may be sold for the non-payment thereof, as provided by law for (the) non-payment of other taxes.

Owner of land
be responsible
for
assessment.

Sec. 12. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expenses of any public improvement in said city.

Agreement
not affected.

Sec. 13. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Term of
improvement
defined

Sec. 14. The term improvement, as used in this Act, shall be held and construed to include not only those set out and recited in the first section of this title, but the stumping, ditching, and grading of all public streets, highways, lanes and alleys, the construction of plank roads, the laying of pavements of wood or stone, including the crosswalks, flagging or macadamizing, with broken or pounded stone, of the streets or roadways of said city, the draining and filling of all the low lands and lots, and the general betterment of all streets, highways, lanes, alleys, parks, public places and grounds within said city.

Record not
void on
account of
error unless.

Sec. 15. All proceedings of the Common Council, under the provisions of this title and title ten, shall be matters of record in the proceedings of the Common Council, and shall not fail on account of any technical or clerical error made by any officer or board of the Common Council of said city, nor because of any act not being done at the time or in the manner herein required, nor on account of the property having been assessed without the name of the owner, or in the name of any other person than the owner, or on account of the contract therefor having been let without a sufficient advertisement, or any advertisement for bidders, or on account of any other irregularities, informality or omission, or want

of any matter of form or substance, in any proceeding that does not prejudice the property rights of the person whose property is taxed, and unless the party complaining of such failure shall show affirmatively that he has been injured thereby; and all such proceedings shall be construed favorably by all courts of this state, and they shall be presumed to be legal and valid until the contrary is affirmatively shown; and in case that any litigation may arise between the city and any person out of proceedings under this title, the court shall require the complainants to furnish bonds with sufficient sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings, before granting process of injunction against the said corporation. And in any case of proceedings involving the validity of said taxes and assessments, the same shall be held valid and sustained for such amount thereof as shall be found to be legally or equitably chargeable against the person or property against which the same is assessed. If two or more parcels of land are assessed together erroneously, the court before which such cause or proceeding is pending, shall, if practicable, ascertain the amount equitably chargeable against each, and sustain such tax or assessment against such parcel. And whenever necessary for the enforcement of such special assessment, it may be re-assessed as provided in section twenty-eight of this title.

Acts of Council to be construed favorably by courts.

Complainants to give bonds to indemnify city.

Sec. 16. The Common Council shall have power to require the owners or occupants of any lands in said city to build, repair, keep in repair, and rebuild when necessary, all sidewalks in said city, and the Common Council may, by ordinance, prescribe the dimensions of all sidewalks to be built in said city, and of what material the same shall be constructed, repaired or rebuilt, and in such ordinance may fix the time within which the owner or occupant of any lands in front of which any sidewalk is to be built, repaired or rebuilt, shall build the same, and the Common Council may prescribe such penalty

Sidewalks. construction and repairs

Dimensions.

Material.

Time.

Penalty.

Common Council may fix by ordinance time when owners may pay for construction and fix the interest.

Work to be under charge of B. of P. W.

Cost and expense how paid and assessed.

Assessment placed in tax roll.

for violation of such ordinance as they may deem proper, not exceeding the amount limited by this Act; and the Common Council shall also have power to prescribe, by ordinance, the time and manner when property owners may pay for the construction and reconstruction of sidewalks, and prescribe the rate of interest to be paid on all unpaid amounts.

Sec. 17. The building, repairing and rebuilding of all sidewalks in said city shall be done under the direction of the Board of Public Works of said city. If any person shall refuse or neglect to repair any sidewalk in front of his or her premises of such material and width and in the time provided by the ordinances of said city, the Board of Public Works shall repair the same, and the cost and expense thereof to be paid out of the highway fund of the proper taxing district of said city, and the cost of repairing said walk shall be assessed upon the land of such owner or occupant adjacent to such walk, in the same manner as provided for other public improvements. Whenever the Common Council shall by resolution direct the building or rebuilding of any sidewalk in said city, the work shall be done under the direction of the Board of Public Works, and such proportion of the cost of building or rebuilding of said walk as the Common Council shall by ordinance prescribe, shall be assessed upon the land of such owner or occupant, adjacent to such walk, in the same manner as provided for other public improvements, except that the cost of building or rebuilding such walk shall be placed on the next general assessment and tax roll, and shall not extend over a period of years. Nothing herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupants of any lands in said city shall neglect or refuse to comply with any order of the Common Council or Board of Public Works concerning the repairing of any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of

his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said city for all damages and costs recovered from said city by reason of such sidewalks being out of repair, and such damages and costs may be recovered by said city in any Court of competent jurisdiction, with costs of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: Provided, That such owner or occupant shall be notified of the pendency of any suit brought against the city to recover such damages, and requested to assist in the defense thereof: Provided, further, That any person who is injured upon any of the public highways or streets or sidewalks of said city by reason of the neglect to keep such public highways or streets, bridges or culverts on the same in repair in a condition reasonably safe and fit for travel, shall, within sixty days after receiving such injury, notify the Common Council of said city in writing of the time and place where such injury was received, and the manner in which it was received, and the nature of the injury, and shall attach thereto a sworn affidavit of said facts. The failure of any person so injured to give such notice within the time and in the manner above required shall constitute a complete bar to any action against the city for any damages that might otherwise be recoverable against said city on account of such injury. No such action shall be maintained in any case unless the same be brought within one year after such injury shall be received.

Owner to be liable for damage and cost.

Judgment against city conclusive against owner when notified.

Owner notified of suit pending.

City not liable unless notified of injury within sixty days.

No action be maintained after one year.

Sec. 18. The Common Council of said city shall have power to compel the owners or occupants of any lands in said city, fronting on any street or streets in said city, to deepen or clean out the ditches and gutters at the sides of any and all streets in said city; and whenever the Common Council of said city shall determine that such ditches or gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the Board of Public Works of said city to notify such owner

Cleaning of gutters and ditches.

Parties to be notified.

or occupant of such lands to clean or deepen, or both clean and deepen such ditch or gutter, in such manner as said Board shall direct, within five days from the time of service of such notice, and in case any such owner or occupant shall refuse or neglect to comply with such notice the work shall be done by the Board of Public Works of said city, and such costs and expenses shall be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements. No resolution ordering the building, repairing or rebuilding of sidewalks, in any street in said city, shall be passed by the Common Council until the expiration of at least one week after such resolution shall have been offered or introduced before said Council.

Costs to be assessed and collected.

Sidewalk resolutions of Council to lay over one week.

How to meet expense of street improvement.

Resolution by Council and approval of Board of Estimates.

Mayor, Controller, and Clerk to issue bonds.

Bonds not to exceed \$600,000

Length of time of bonds.

To be called street improvement bonds.

Sec. 19. To meet the expense of improving streets in said city by paving, grading, graveling or otherwise in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the Common Council may, by resolution, with the approval of the Board of Estimates, authorize and direct the Mayor, Controller and Clerk of said city, to borrow such an amount of money as may be required in any one year for such purpose and to issue bonds of said city therefor, bearing interest at the rate not exceeding six per cent. per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district: Provided, That the total amount of bonds which the Common Council is thus authorized to issue shall not exceed six hundred thousand dollars outstanding at any one time. The Common Council may, when any of the above improvements are made, authorize that the bonds for making said improvements shall run for a period of not less than five nor more than ten years. And the amount of bonds which may be issued for such purposes shall be made payable in annual equal parts, as ordered by the Common Council. The said bonds to be indorsed "Street improvement bonds of the taxing district," and to be numbered or lettered consecutively. Said bonds

shall not be sold for less than par, and the proceeds of the same shall be paid to the City Treasurer, and by him placed to the credit of the "Street Improvement Fund" of the proper taxing district. All said bonds shall be paid at maturity, and the Common Council shall not have the power to authorize the re-issue of the same bonds or of bonds to take up said original bonds.

Bonds not to be sold less than par.
Money to be paid city Treasurer.
When bonds shall be paid.

Sec. 20. All the sections of this title relative to ascertaining and assessing the cost of street improvements, shall be applicable to the ascertainment of the cost of street improvements, paid for by proceeds of street improvement bonds, and the assessment of said cost upon the property benefited thereby, except that the assessment rolls shall be designated by the City Clerk as street improvement rolls. Every assessment roll so ratified and confirmed, shall be final and conclusive, and when any such assessment shall have been confirmed by the Common Council, the assessment roll shall be attested by the City Clerk, under seal, and it shall be deposited with the City Assessor, who shall be responsible for its safe keeping. And a copy of said roll as certified by the Clerk of said city shall be deposited in the Controller's office and retained by him. The Assessor shall divide such assessment into five or more equal parts, as the Council shall determine, one of which, together with interest for one year, at a rate not exceeding six per cent. per annum upon all sums remaining unassessed, shall be placed in the annual tax roll in the street improvement bond column of the proper taxing district thereof, upon and opposite the description of property described in said assessment roll, in each year thereafter, until the same is all assessed upon said annual tax roll, except where assessment is made against a street car company or railroad company as a personal tax.

Ascertaining cost of street improvements

Roll, when confirmed, to be final.

Roll, how spread.

Sec. 21. On or before the first Monday of May in each year, the Common Council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor, from the

Council to certify to Assessor amounts not otherwise provided for in Section 20.

special assessments levied in the respective taxing districts, under the provisions of section twenty of this chapter, to meet and pay the street improvement bonds of said city, and the annual interest thereon, theretofore issued for the benefit of the separate taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall, with the approval of the Board of Estimates, cause the amounts so required to be raised in each taxing district respectively, to be certified to the Assessor of said city, to be by him assessed upon all property, real and personal thereof. Such amounts the Assessor shall spread on the annual tax roll, in the street improvement bond column thereof, upon the real and personal property of the proper taxing district of said city; and such taxes, when so assessed by the Assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof, the premises may be sold in the same manner as for the non-payment of other taxes levied in the said city, and when so collected shall be placed to the credit of the street improvement bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said street improvement bonds, and the principal of said bonds, as they shall fall due, or repayment to the city of the moneys advanced to pay the same, and for investment, as provided for in this Act, and for no other purpose.

Approval of
Board of
Estimates.

When so
assessed
becomes a
lien on the
property.

Payment, how
enforced.

Surplus of
street
improvement
fund, how
invested.

Sec. 22. After payment into the treasury of any money received for assessment or taxes under the street improvement system, the City Treasurer shall, under the direction of the Mayor and Controller, invest such sums not required to pay expenditures, interest or bonds, during the current year, in stocks of the United States or of this state, or purchase therewith unmatured street improvement bonds or other bonds of said city, as may be the most expedient or beneficial to the city.

Sec. 23. The Common Council are hereby authorized to cause to be assessed upon the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances, and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of non-payment of the same, as in relation to the assessments for public improvements in said city, except as the Common Council may otherwise determine or direct.

Assessing
lands of
non-residents.

Sec 24. When the Treasurer shall have levied on personal property for the non-payment of any tax or assessment in this Act provided, he shall proceed to advertise and sell the same in the same manner and upon like notice, and make return of all money received therefrom, as is or may be required by the general laws of this state in the levy and sale of personal property for the non-payment of taxes by Township Treasurers.

Sale of
personal
property
under levy,

Sec. 25. The Common Council shall permit any person, who shall be the owner or agent of any tract, plat or addition within the limits of said city, to improve, grade, plank or pave any street lying within said tract, plat or addition, the cost of which, if improved by the order of the Council, could be assessed against such lands: Provided, All such work shall be done under the superintendence of the Board of Public Works, and shall, in all respects, conform to the established plan and grade for streets in said city.

Owner or
agent allowed
to make im-
provements.

Sec. 26. Whenever any special assessment for the improvement of a street, or for any other public work, shall, in the opinion of the Common Council, be deemed invalid, the Common Council may vacate and set aside the same; and whenever any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, the Common Council may cause a new assessment to be

Power of
Council to
re-assess.

Duties of
Assessor and
Controller in
re-assessment.

made, such new assessment shall be made in the manner provided for making original assessments of like nature, and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the Assessor and Controller to apply such assessment (upon the re-assessment) upon said lot or parcel, and to make a minute thereof upon the new assessment roll. All the provisions of this Act making special assessments a charge against the person assessed, or a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection and return of special assessments, shall, in like manner, apply to such re-assessment. No judgment or decree, nor any act of the Council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such an amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceedings might have been lawfully assessed thereon. And no defect, irregularity or omission in the proceedings for making the improvement or doing public work, to pay for which such special assessment is made, which occurred either before or after the letting of the contract therefor, shall affect the right of the city to re-assess the same upon the property benefited: Provided, The improvement or public work has been actually done or the liability therefor incurred.

The provisions of this section, and of section fifteen of this chapter, shall apply to special assessments heretofore made in said city, and in the former cities of Saginaw and East Saginaw, as well as to those which shall hereafter be made.

Council may
divide city
into highway
districts.

Sec. 27. The Common Council shall have power, by ordinance, to subdivide the city into streets or highway districts, and to provide for the raising and expenditure of a highway fund in each district separately, and to restrict the expenditure in the separate districts for high-

way purposes to the amount raised within the limits thereof.

Sec. 28. The said city is hereby divided into two Taxing districts for certain purposes. taxing districts, to be denominated "The Eastern Taxing District" and "The Western Taxing District," the boundary between which shall be the center line of the Saginaw river, for the assessment of taxes for the following purposes, viz :

First. The consruction, maintenance and repair Sewers and drains. of sewers and drains.

Second. The opening, extension, grading, turnpik- Street im- improvements.
ing, graveling, planking, macadamizing, paving or other improvements of streets, alleys and public spaces.

Third. The construction and repair of sidewalks, Sidewalks and ditches. and the cleaning and deepening of street ditches.

Fourth. The maintaining and extending of the Water works. Water Works system, situated in each taxing district: Provido.
Provided, however, That the expenses for all such purposes shall be paid by the taxing district in which the improvement exists or is made, and so much of the cost thereof, as under the provisions of this Charter, is or may be apportioned to the property benefited, shall be assessed exclusively upon property within the taxing district wherein the improvement is made.

Whenever, under the provisions of this Charter, bonds may be issued to provide for the payment of such Improvement bonds issued on the credit of the entire city. improvement, the same shall be issued in the name of the city of Saginaw, and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holder. The Common Council shall, however, at the time of the passage of the resolution authorizing the issue of such bonds, expressly state the amount and the number of bonds separately which shall be issued to meet the cost of such improvements in the eastern district and in the western district respectively, and when sold, the proceeds of such bonds shall be Proceeds kept in separate funds. paid into the appropriate separate funds of the eastern

district and western district respectively, and shall be used only in the district for which the same are raised; and each taxing district shall stand charged with and shall pay to the city of Saginaw for all improvements made within its boundaries, and the bonds issued therefor, and shall not as a taxing district be liable or pay for such improvements made in the other district, or the bonds issued therefor.

Each district
separately
taxed.

To meet the cost of any said special improvement hereinbefore specified, and to enable the city to pay the bonds issued therefor, or any other indebtedness incurred on account thereof, taxes and assessments shall be assessed, levied and collected in the manner provided in this Charter, separately in said eastern district and said western district respectively, and when collected, shall be paid into the separate fund thereof, and be used and applied by the city in the extinguishment of the bonded or other indebtedness incurred in the making of said improvement within such district.

City to
advance
amounts
short.

If at the maturity of any bond issued by the city for such improvement, the separate special fund of the district to which it is chargeable shall be insufficient to pay the bond, the city shall advance to the special fund the additional amount required to meet the bond in full, and interest on such advance shall be charged to the special fund and credited to the city, at the rate of six per cent. per annum, until the moneys so advanced are fully repaid, and the city shall be and is authorized from year to year to assess against and levy on all the taxable property within the proper taxing district, taxes to an amount sufficient to repay all such advances with the interest thereon.

Indebtedness
before
consolidation,
how cared for,
except Court
House bonds.

Sec. 29. All the present indebtedness, bonds or otherwise, of the former city of East Saginaw shall be exclusively charged upon and paid by the eastern taxing district; and all such present indebtedness of the former city of Saginaw, as it existed prior to the first Monday in March, eighteen hundred ninety, excepting the bonds is-

sued for the construction of the Saginaw County Court House, shall be exclusively charged upon and paid by the western taxing district. The payments of such indebtedness shall be provided for by taxes levied in the respective taxing districts, chargeable therefor at such times and in such amounts as the Common Council may by resolution direct; and all taxes or assessments collected in such respective taxing districts shall be placed to the credit thereof in the proper fund of such district, and be used only for the purpose of paying and retiring the separate indebtedness thereof.

The Common Council shall also have power, in its discretion, to re-issue bonds to retire all such indebtedness, and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holders, and when issued such bonds shall constitute a charge only on the district to pay the indebtedness for which the same were so issued.

Council may
re-issue bonds.

TITLE VII.

FIRE DEPARTMENT.

Powers of
Council to
establish and
regulate.

Section 1. The Common Council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department; to organize and maintain fire, hose and hook and ladder companies; to make and establish rules and regulations for the government of the department, the employees, the firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the powers and duties of such employees, firemen and officers.

Appointment
and removal
of Chief.

Sec. 2. The Chief of the Fire Department shall be appointed by the Common Council by ballot, in the manner provided in section five of title two. for the appointment of other officers; and shall be retained as such, so long as he shall remain competent and efficient in the performance of his duties, except upon a two-thirds vote of the Common Council, the said Chief may be removed at any time for cause.

Committee on
Fire Department.

Sec. 3. There shall be a committee of three members of the Common Council, appointed by the Mayor, to be known as the Committee on Fire Department, who, together with the Chief of the Fire Department, shall have the direct and immediate control and management of the fire department of the City of Saginaw, and of the property and apparatus belonging thereto. Said committee shall have charge of the erecting, altering and repairing all engine houses and fire stations and sidewalks, platforms and bridges adjacent thereto, when said work has

Duties and
powers.

been first duly authorized by the Common Council. Said committee, together with the City Controller, shall be empowered to make necessary purchase of horses, and make all necessary repairs to apparatus, to an amount not exceeding the amount appropriated and collected for the several purposes. Said committee shall have stated meetings at such times as the Common Council may prescribe by ordinance. Upon the recommendation of the Chief of the Fire Department, said committee shall also have the power of appointing all firemen and members of the fire department, except the Chief, who shall be retained as such, while they shall continue competent and efficient in the performance of their respective duties. Said committee shall have full power to try and determine all complaints against any member of said department, and to remove them, or any of them, summarily, or on conviction of insubordination, neglect of duty, incompetency, or violation of the rules, regulations or ordinances governing said department. Said committee shall also have the power, upon the recommendation of the Chief of the Fire Department, to make such changes in the positions held by any member of the department, either to promote him or place him in a subordinate position, as they may deem for the best interests of the department.

Committee and City Controller make purchases.

Meetings.

Chief to recommend, committee to appoint all firemen, etc.

Chief retained, when.

Powers of Committee.

Promote or place men in subordinate position on recommendation of Chief.

TITLE VIII.

POOR DEPARTMENT.

**Appointment
of Director of
the Poor.**

Term of office.

Management

Section 1. The Common Council shall appoint a Director of the Poor, who shall hold his office for a period of two years, and shall, with the Committee on Poor, have charge of all the indigent poor persons in the corporate limits of said city of Saginaw, and shall provide for their support as the Common Council may by ordinance direct. Said Director and Committee on Poor shall possess such powers and authorities as provided for by ordinance, and by the laws of this state, in relation to the care of the poor.

**Powers and
duties.**

**Director,
when re-
moved.**

Sec. 2. Said Director shall be under the direction and supervision of the Committee on Poor, and it is the duty of the Committee on Poor to see that all the provisions of the ordinances of said city, in reference to the support of the poor, shall be enforced; and if said director willfully neglects and refuses to carry out the instructions received from said Committee on Poor, and the ordinance, it shall be grounds for preferring charges against said Director before the Common Council for his removal.

**Compensa-
tion.**

Assistants.

Sec. 3. The Director of the Poor shall receive such compensation as the Common Council may fix, and the Common Council may employ such assistants as it deems necessary to properly conduct said office.

TITLE IX.

PUBLIC HEALTH.

Section 1. The Common Council shall have power, Council to preserve public health. and it shall be their duty to adopt measures for the preservation of the public health of the city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits thereof; to regulate and prescribe, by ordinance, the location of all barns, stables and privies within the city; to establish a Board of Health, Location of barns, stables, etc. Establish and regulate Board of Health. and to invest it with all such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases, and to provide for its proper organization, and for the appointment of proper officers; to make all such by-laws, ordinances, and regulations for the government of such Board of Health, and for the preservation of the health of the inhabitants of the city, as shall secure a prompt and efficient discharge of the duties imposed upon the Common Council by this Act.

Sec. 2. The Common Council shall have power to Powers of Council to pass ordinances to preserve health and cleanliness, etc. pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling up, draining, cleansing, cleaning, regulating any grounds, yards, basins, slips or cellars within the said city that shall be sunken, damp, foul, encumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of Expense, how defrayed and assessed. the persons, respectively, upon whom the same may be assessed, for that purpose by proper ordinance, to cause the expenses thereof to be estimated, assessed and col-

lected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots, in respect to which such expense shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Council to
have such
powers as
conferred by
general law

Sec. 3. The Common Council shall have such further powers and duties, in relation to the public health of said city, as are conferred by the provisions of chapter fourteen, of Act number one hundred seventy-eight, of the session laws of eighteen hundred seventy-three, entitled "An Act for the incorporation of cities," being subdivision fourteen, of chapter eighty, of 1 Howell's Annotated Statutes, and the acts amendatory thereof, and such further powers and duties as are now, or may hereafter be, conferred by the general laws of the State upon the Board of Health of townships or incorporated cities.

TITLE X.

SEWERS AND DRAINS— CONSTRUCTION,
MAINTENANCE, ASSESSMENTS.

Section 1. The Board of Public Works shall have exclusive superintendence and management of all sewers, drains or pools now constructed, or to be constructed, and shall make all rules and regulations relative to the construction, use and preservation of sewers and all private drains entering sewers. If any person shall, in constructing any private drain, or making any connection with a sewer, neglect or refuse to follow and conform to such regulations, the said board may cause such work to be done in accordance with such rules and regulations, and the cost thereof shall be certified by the board to the Assessor, and such costs, when certified to the Assessor, shall be a lien on the land or premises using such drain or connection with a sewer, and the Assessor shall assess the same upon the owners of such premises in the next annual tax roll, in the sewer bond and interest column thereof, and it shall be collected and paid as provided for the general taxes.

Board of
Public Works
to have
management
of.

Penalty for
non-compli-
ance with
orders of
Board.

Board may
cause such
work to be
done.

Cost to be
assessed, etc.

Sec. 2. The current cost of altering, repairing and cleaning sewers and drains, and all incidental expenses of management, shall be estimated by the Board of Public Works, who shall report to the Common Council on or before the first Monday of April in each year the amount so estimated and required for the next ensuing year, and when the same is approved by the Common Council, shall be assessed by the Assessor upon the real and personal property in the city of Saginaw, and included in the next annual tax roll of said city, placed in the highway fund column and when collected placed to the credit of the highway fund of the proper taxing district.

Cost of fixing
sewers and
drains esti-
mated by
Board of
Public Works
and report
to Council.

Assessor to
assess same.

Sewerage
plans.

May be
changed.

What plans
shall show.

How plans
may be
changed.

Sec. 3. The permanent sewerage plan heretofore adopted in East Saginaw and Saginaw City shall remain, but the Board of Public Works shall have the power from time to time to make such plans for changes therein, or extension thereof, or such additional plans for drainage and sewerage, as the public interests may require, but all plans, changes and extensions shall be devised with a view to establish and maintain a regular system. All plans shall show the location, direction and size of each drain and sewer, whether mains or laterals, and connections with other drains and sewers, and such other particulars as may be necessary to present a complete plan of drainage and sewerage for the city, or that portion of the same designed to be embraced in the plan.

Sec. 4. Whenever the board shall have prepared any plan or additional drainage or sewerage, or for extension or changes in the existing plans the same shall be submitted to the Common Council, and upon its being adopted and confirmed by that body, and certified to by the City Clerk and said board, shall be filed in the office of the Register of Deeds of Saginaw county, whereupon the plan, or any part thereof therein set forth, shall become the permanent plan of sewerage of said city, subject to be changed only by the unanimous recommendation of said board and the votes of two-thirds of the members of the Common Council, certified and filed as herein provided.

Board of
Public Works
to report to
Council the
sewers and
drains to be
built.

Sec. 5. The said board shall, in the month of March in each year, report to the Common Council what public sewers or drains they deem necessary to build in the ensuing year, and shall accompany the report with an estimate of the cost of each and all such drains and sewers, and the said board may also, after the month of March, but not later than the first Monday in July in each year, bring in a supplemental list of sewers to be built.

Common
Council
to decide what
sewers and

Sec. 6. The Common Council shall decide what public sewers and drains of those reported by the said board,

in accordance with such sewerage plan, shall be built, drains shall be built. and shall, through the City Clerk, notify the board of Clerk to notify Board of same. their decision, and said board shall proceed to advertise Advertise for proposals to build same. for proposals to build the sewers and drains ordered to be built by the Common Council, under such specifications and forms as said board shall deem necessary, in manner and form required by the provisions of this Charter in regard to the letting of contracts for public improvements.

Sec. 7. Said board shall not lay down or construct Board not to construct but may repair sewers. any sewer or drain in said city, or purchase any material or enter into any contract, except as herein provided, except in case of any unexpected casualty or damage to the sewers or drains of said city, in which case said board may cause the same to be repaired to an amount not exceeding five hundred dollars.

Sec. 8. To meet the expense of the construction of How to meet expenses of constructing sewers. sewers in the eastern and western taxing districts of said city, in anticipation of the collection of assessments and taxes to defray the cost thereof, the Common Council may, by resolution, with the approval of the Board of Resolution of Council and approval of Board of Estimates. Estimates, declare the amounts necessary to be so raised for sewers in each taxing district separately, and by like resolution authorize and direct the Mayor, Controller and Clerk of said city to borrow a sum not exceeding sixty thousand dollars in any one year, and for that purpose to issue the bonds of the city, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to pledge the faith and credit of the whole city for the prompt payment of the principal and interest to the holder thereof, as provided in section twenty-eight of title six: Provided, That the total amount of the bonds which the Common Council is thus authorized to issue, shall not exceed three hundred thousand dollars Bonds not to exceed \$300,000. outstanding at any one time. The Common Council whenever any such amount is to be raised may authorize that the bonds shall run for a period of not less than five Length of time of bonds. nor more than ten years; and the amount of bonds which

To be called
sewer bonds
and not sold
less than par.

Money to be
paid City
Treasurer.

may be issued for such purpose shall be made payable in five or more years in equal annual parts as ordered by the Common Council, all to be endorsed "sewer bonds," and numbered consecutively. Said bonds shall not be sold for less than their par value, and the proceeds of the same shall be paid to the City Treasurer, and be by him placed to the credit of the separate sewer fund of the proper taxing district. All such bonds shall be paid at maturity, and the Common Council shall not have power to authorize the re-issue of such bonds, or of bonds to take up said original bonds. The amount and number of the bonds issued for each taxing district shall be specified. The proceeds shall be paid into the separate fund of each, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof, all in manner and form as provided in section twenty-eight of title six.

Assessment of
cost of lateral
sewers, how
made.

Sec. 9. The assessment for the cost of the construction of lateral sewers shall be made by the City Assessor and collected by the City Treasurer, in the manner herein provided for making and collecting special assessments for street improvements.

Council to de-
termine the
portion to be
assessed.

Sec. 10. The Common Council shall have power by resolution to determine either before or after construction, that the whole or any part of the cost of any lateral sewer, and that the whole or any part of that proportion of the cost of any main sewer, which in the opinion of the Common Council shall equal the cost of a twelve-inch lateral sewer, shall be assessed upon the property especially benefited thereby in proportion to the benefit derived by such property from the construction of said sewer, and to direct such special assessment to be made by the City Assessor.

Council to fix
assessment
district.

Sec. 11. When the Common Council have made this determination as to the proportion of the cost of any main or lateral sewer, which shall be specially assessed upon

the property benefited, they shall fix an assessing district and their action in respect thereto shall be duly certified to the City Assessor, who shall, as soon as may be thereafter, proceed to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property specially benefited, in proportion to the benefit and advantage which each description of property is by him deemed to receive from the construction of said sewer. He shall cause diagrams to be made, which plans shall be furnished by the city engineer, showing the property assessed, and the names of the owners thereof, when known, and when such assessment is made the City Assessor shall submit the same to the Common Council. Upon the submission as aforesaid, the Clerk of the city shall cause notice of the same to be published in the official newspaper of the city, for three successive times, that the Common Council will, on such a day as they shall appoint, proceed to hear any appeals from the said assessment.

Certify to Assessor.

Engineer to furnish sketch.

Submitted to Council and advertised.

Appeals.

Sec. 12. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the Common Council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment, in whole or in part, or may set the same aside and direct a new assessment; or the said Common Council may ratify and confirm such assessment without any corrections or with such corrections therein as they may think proper. And the Common Council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the Common Council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately.

Hearing objections.

Confirmation or rejection of roll.

When any such assessment for the construction of sewers shall have been confirmed by the Common Council, the assessment roll shall be attested by the City Clerk under seal, and it shall be deposited with the City Assessor.

Roll to be attested by Clerk and deposited with Assessor.

Copy to Controller Assessor, who shall be responsible for its safe keeping, and a copy of said roll, certified by the Clerk of said city, shall be deposited with the Controller and remain in his office. The Assessor shall divide such assessment, on all sewers hereafter ordered, into five or more equal parts, as may be fixed by resolution of the Common Council, one of which, together with the interest at the rate of not to exceed six per cent. for one year upon all sums remaining unassessed, shall be placed in the annual tax roll, in the sewer column thereof, upon and opposite the description of property described in said sewer assessment roll, in each year thereafter, until the same is all assessed upon said annual tax rolls.

Spread on Tax Roll.

Council to determine the amount of sewer bonds to be raised. Sec. 13. On or before the first Monday in May in each year, the Common Council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor from the special assessments levied in the respective taxing districts under the provisions of sections eleven and twelve of this chapter, to meet and pay the sewer bonds of said city, and the annual interest thereon theretofore issued for the benefit of the respective taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall upon the approval thereof by the Board of Estimates, as in this Act provided, cause the amount so required to be raised in each taxing district respectively, to be certified to the Assessor of said city, to be by him assessed upon all the property, real and personal, thereof. Such amounts the Assessor shall spread on the annual tax roll, in the sewer bond and interest fund column thereof, upon the real and personal property of the proper taxing district of the city, and such taxes, when so assessed by the Assessor, shall become a lien upon the premises assessed, the same as any other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof the premises may be sold in the same manner as for other taxes

Board of Estimates to approve.

Certified to Assessor.

When spread becomes a lien.

levied in the said city, and when so collected shall be placed to the credit of the sewer bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said sewer bonds, and the principal of said bonds, as they shall fall due, or repayment to the city of moneys advanced to pay the same, or for investment as provided for in this Act, and for no other purpose.

Collection.
how applied.

Sec. 14. After payment into the treasury of any money received for assessment or taxes under the sewerage system, the City Treasurer shall, under the direction of the Mayor and Controller, invest such sums not required to pay expenditures, interest or bonds during the present year, in bonds of the United States, or of this State, or purchase therewith unmatured sewer bonds, or other bonds of said city, as may be most expedient or beneficial to the city.

Surplus.
how invested.

Sec. 15. In case said Board of Public Works shall, in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer through any private property, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying same through such private property, not opened as public, it shall be lawful for said Board, or a majority of them, to present a petition to the Common Council for appropriating said property, and said Common Council shall proceed to open the same, as hereinafter provided.

Sewer through
private
property.

Sec. 16. The said board may prescribe regulations for the use of said sewers, and may license persons to open the same. And whenever the Common Council shall order any portion of any street to be paved, re-paved or otherwise improved, and the owner and occupant of any block, parcel or subdivision of land, fronting thereon, shall upon notice in accordance with the ordinance of said city, fail to connect said premises with the public sewer in said street as now or hereafter required, said

Board may
regulate the
use of sewers.

Private sewer
Connections.

Board of Public Works may cause such connection to be made, and the pipe to be carried to the curb line of said street, and the labor and material furnished therefor may be charged against said property, and shall be assessed against the same in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title six of the Charter for making special assessments.

**Appropriation
of private
property.**

Sec. 17. Whenever necessary, private property may be appropriated for the purpose of laying out, constructing, extending or enlarging any public sewer or the outlet thereof, under and pursuant to the provisions of Act No. one hundred twenty-four of the session laws of eighteen hundred eighty-three, entitled "An Act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal Act No. twenty-six of the Public Act of eighteen hundred and eighty-two," approved May thirty-first, eighteen hundred eighty-three, or under or pursuant to any general law of the State which may hereafter be enacted.

TITLE XI.

POLICE DEPARTMENT.

Section 1. The vacancy caused by the retirement of the Mayor from the Board of Police Commissioners shall not be filled prior to the month of January, A. D. nineteen hundred three, and the remaining four members of said board shall continue to constitute the Board of Police Commissioners until their successors are elected and qualified as hereinafter provided, viz.: The Common Council, during January, A. D. nineteen hundred three, upon the nomination by the Mayor, shall appoint five suitable persons, citizens of said city (no more than three of whom shall reside in the same taxing district, or belong to the same political party), who shall constitute the Board of Police Commissioners for the City of Saginaw. They shall be appointed, one for the term of one year, one two years, one three years, one four years and one five years; the Common Council, upon the nomination by the Mayor, thereafter shall annually appoint one commissioner to hold office for the term of five years. Said board, or a majority of them, shall have full power to try and determine all complaints against the marshal or any policeman or watchman of the city, and to remove them, or any of them, summarily, or on conviction for insubordination, neglect of duty or violation of any of the ordinances or rules and regulations, or violations of any law of the city or State, made or hereafter to be made, for the government of the police department of the City of Saginaw. The City Clerk shall be clerk of said board, and shall keep its record, and shall cause the proceedings of said board to be published in the official paper of said city within five days after each session: Provided, however, That no part of said proceedings relating to the detective work of said department need be published. Said commissioners shall

Vacancy caused by Mayor retired not to be filled prior to January 1903.

Board of Police Commissioners, when and how appointed.

Term.

Powers.

Complaints.

City Clerk Clerk of Board

Publish proceedings in official paper, except detective work.

No compensation. receive no compensation, and they may be removed for the same causes, and upon the same proceedings as a member of the Common Council. In case any vacancy occurs, the Common Council shall appoint, upon the nomination of the Mayor, some person to fill the unexpired portion of the term.

Vacancies, how filled.

Issue subpoenas.

Compel attendance, etc.

Sec. 2. Such board when convened for the purposes mentioned in the preceding section shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and to do such other acts as may be lawful to be done by any court for the purposes mentioned in section one of this title.

Appointment of Chief of Police and other officers.

Qualifications.

Sec. 3. The said Board of Police Commissioners shall have power to appoint a Chief of Police, and other officers, and such number of policemen with pay not to exceed the amount appropriated therefor, and such number of watchmen without pay, as said board shall deem expedient. In time of special emergency, or apprehended danger from riot or other cause of alarm, said board may appoint as many patrolmen, with or without compensation, as they may deem expedient. They shall also appoint a keeper of the city prison or prisons. But no person shall be appointed to any position by said board who is not a citizen of the United States, and who has not resided in said city at least five years next preceding such appointment.

Board to have entire control of Police Dep't.

Sec. 4. Said board shall assume and exercise the entire control of the police force of said city and shall possess full power and authority over the police organization, government, appointment and discipline within said city. It shall have custody and control of all public property, books, records and equipments belonging to the police department. Said board shall have charge of the altering and repairing of all police stations and police barns and all sidewalks, platforms and bridges adjacent thereto, when said work has first been duly authorized

by the Common Council. Said board shall be empowered to make necessary purchases of horses and make all necessary repairs to apparatus to an amount not exceeding the amount appropriated for the several purposes.

Sec. 5. Any member of the police force appointed by said board, shall, before entering upon the duties of his office, make and file with the clerk of said board, the official oath provided for in this Act. After filing said official oath, the policeman so appointed shall possess all the common and statutory powers of constables and sheriff, except for the service of civil process, and conveying prisoners under sentence to any place in the city of Saginaw. They shall have the power to serve any subpoena, warrant, order, notice, paper or process issued or directed by any Justice of the Peace, Judge, Court or officer in criminal cases of the State of Michigan, in the execution of the laws of this State, for the prevention of crimes and punishment of offenders, or the police laws and regulations of the city or State, in any proceeding collateral to or connected with the execution of such general laws, police laws, ordinances and regulations in any part of this State without backing or endorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes whatever, issued out of the Recorder's court, or by the police court in all criminal cases, and in all civil cases wherein said city is a party to any proceedings, except as herein otherwise provided, and shall be detailed by the proper officer to attend, instead of the Sheriff, Deputy Sheriff or constables, the said Recorder's court and the police court, whenever said court is engaged in the trial of criminal cases, or civil cases wherein the said city is a party. For the time engaged in active service, each member so engaged shall be paid such salary as shall be recommended by the board and approved by the Common Council. Said board shall recommend annually, but the Common Council shall have

Oath of office.

Powers and duties of policeman.

Compensation.

Claims to be certified to Council. the power to fix and shall fix the compensation of the Chief of Police and other appointees of said board, and all claims for the same and all accounts allowed by said board shall (except as provided in section eight of this title), when certified by the board, be submitted to the Common Council for allowance and payment in the same manner as other claims against the city.

General duties of the Board and officers

Sec. 6. It shall be the duty of said board, and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city of Saginaw, to preserve the public peace and prevent crimes, and arrest offenders; to protect rights of persons and property; to guard the public health; to preserve order; to enforce all the laws of the State, and all ordinances of the city, and all orders and resolutions of the Common Council of said city. The expense of pursuing, apprehending, examining, trying and committing offenders against any law of this state, in said city, including the time spent in pursuit or apprehension, and of their confinement, shall be audited and paid by the Supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county, and the clerk of the Board of Supervisors shall immediately, on the allowance of any such claim in favor of any member of the police force of this city, notify the Controller of the same, with the name of the officer to whom allowed, and the amount of such allowance. It shall be the duty of said board to remove nuisances existing in public streets, roads, places and highways; to report all defects in streets, sidewalks, bridges and other public places, leaks and defects in water pipes and sewers to the proper authorities; to provide a proper force at every public fire, in order that thereby the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat and ship landings and railway stations; and generally to carry out and enforce all ordinances of the city and laws of the State. Whenever any crime shall have been com-

Certain expenses to be paid by the county.

Controller to be notified when allowed.

Board to remove nuisance and report defects.

Duty at fires.

Protect strangers.

mitted in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said Board of Police Commissioners may, at their discretion, authorize any person to pursue and arrest such accused or suspected person or persons, and bring them before the proper court for trial or examination.

Board may authorize others to make arrests.

Sec. 7. No member of the Board of Police Commissioners, or of the police force, shall receive or share under any pretense whatever in any present, fee, gift or emolument for police service, other than the regular salary and pay, except by the unanimous consent of said board, and it shall be the duty of every member of said board, and of the police force, to return to the clerk of said board (to be disposed of as hereinafter provided) every present, fee, gift or emolument received by him; and all moneys and proceeds of property received from this source shall be disposed of by said board as if the same had been paid or given for extraordinary services, as prescribed hereafter in this title. Nor shall any member of said force receive or share in any fee, gift, emolument or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case, from any attorney-at-law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Saginaw, nor shall any member, either directly or indirectly, interest himself, or interfere in any manner whatever, in the employment or retainer of any attorney to aid in the defence of any person arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office.

No member of the Board or force to receive any gift, etc.

Same to be deposited with the Clerk.

Board to dispose of.

Members of the force not to be interested in the defense of prisoners.

Violation cause for removal.

Sec. 8. All rewards, fees, proceeds of gifts or emoluments that may be allowed by the Board of Police Commissioners to be paid or given for or on account of any extraordinary services of any member of the police force,

Certain rewards paid into the general fund.

unless otherwise appropriated by the board, and all moneys arising from the sale of unclaimed goods, or otherwise received by said board or member of said police force, shall be paid to the City Treasurer and credited to the general fund of the city. The said board may, whenever they deem it necessary for the proper and efficient police regulations in said city, direct the City Treasurer to transfer to the Police Fund and to pay out of said Police Fund, for the pursuit or arrest of fugitives from justice, such sums, and to such persons as they shall direct, upon orders drawn by the clerk of said board, and countersigned by the President thereof and the Chief of Police: Provided, The sum or sums so paid out shall not exceed the sum of three hundred dollars. Said fund shall at all times be kept full, and said board shall not pay out any money for any other purpose.

Transfer from
the general to
the police
fund

Orders, how
drawn.

Fund to be
kept full.

Complaints
against
gambling, etc.

Lewd
purposes.
Lotteries, etc.

Persons to be
arrested and
property
taken.

Sec. 9. If any member of the force, or if any two or more householders shall report in writing, under his or their signatures to the Chief of Police of said city, that there are good grounds (which shall be stated in said report, for believing any house, room or premises within said city, to be kept or used as a common gaming house, common gaming room or common gaming premises for therein playing for wagers of money at any game of chance, or to be kept or used for lewd and obscene purpose and amusements, or the deposit and sale of lottery tickets or lottery policies, or as a cock pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade or occupation, or calling, practice or act prohibited by law, it shall be lawful for the said Chief of Police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against the law, or aiding or abetting in such offense, but none others, and seize all implements of gaming or lottery tickets or lottery policies, and convey any persons so arrested before a magistrate having jurisdiction in said city, and bring the articles so seized. It shall be the duty

of the Chief of Police to cause such arrested person to be prosecuted vigorously, and if the magistrate shall find that the articles so seized were used, or intended to be used, in gaming or for any other unlawful purpose, he shall order the same to be destroyed.

Chief of Police to vigorously prosecute.

Goods to be destroyed.

Sec. 10. No member of the police force, under penalty of forfeiting the pay which may be due him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing to the Chief of Police, and no person who shall withdraw or resign without giving such notice, or who shall have been removed from the police force for cause, shall be re-appointed by the Board of Police Commissioners to any offices in the said police force, except on unanimous vote.

Notice of resignation, penalty for not giving.

Re-appointment, only when.

Sec. 11. All property or money seized by the members of the police force, on suspicion of having been feloniously obtained, or of being the proceeds of crime; also all property coming into possession of said police by finding or otherwise; and all moneys or property taken by any member of said force from any intoxicated or insane person, or person otherwise incapable of taking care of himself, shall be forthwith delivered to the clerk of the police station, and by him registered in a book kept for that purpose, together with the name of the owner, if ascertained, time and place, when and where found or taken, and the name of the officers by whom found or taken. And in the case of all money or property, or property or money seized upon suspicion of having been feloniously obtained, or being the proceeds of crime, the said clerk shall, within five days after seizure or finding of the same, post up at the police headquarters of said city a notice describing briefly the property seized or found, and the date, place and circumstances of finding or seizure. And all such property and money shall be retained by said clerk, irrevocable until disposed of as herein-after provided. Any member of the said police force who shall neglect or refuse to deposit with the clerk of said police station the property taken or found, as hereinbe-

Property seized or found, how cared for.

Not depositing a misdemeanor.

Penalty.

fore provided, shall be guilty of a misdemeanor, and upon conviction fined a sum not less than the value of the property taken or found, not exceeding one thousand dollars and imprisonment not exceeding one year.

Money or property seized or found. how disposed of.

Sec. 12. The moneys and property seized, taken or found, under the provisions of section eleven, shall be disposed of as follows:

First—All money and property taken from an intoxicated or insane person, or person otherwise incapable at the time of taking care of himself, shall be restored to such person, or his proper legal representatives, as soon as the immediate necessity for such seizure on account of the intoxication or incapacity of such person has ceased.

Second—All lost property, the ownership of which may be unknown, shall remain in the hands of the clerk of said police station, until satisfactory proof, under oath, by any claimant shall have been made and filed with said clerk, together with the bond hereinafter provided for.

Third—All property or money taken on suspicion of having (been) feloniously obtained, or of being the proceeds of crime, shall remain in the custody of said clerk until such time as the person, from whom the same may have been taken, shall have been tried and said cause determined, and the court before which such person shall be tried shall have authority, upon a proper hearing of the accused, and of all other claimants to said property, to make such order for the restoration thereof as the proof respecting the ownership of said property may require.

If no order for the restoration thereof be made, said property within ten days after the acquittal of the person from whom the same may have been taken shall be restored to him: Provided, That any claimants of property or money whether lost or seized on suspicion of having been feloniously obtained, or of being the proceeds of

crime, shall, before delivery to him of such property or money, execute and deliver a bond, with two good and sufficient sureties, to be approved by the clerk of said police station and Chief of Police, with penalty double the amount or value of said property or money, running to the clerk of said board, or his successor in office, and conditioned that such claimant, to whom said property or money shall be delivered, will, upon demand, restore the same or make payment of the full value thereof to the true owner of said money or property¹, who may at any time thereafter, by proper proceedings in any court of competent jurisdiction, establish his title thereto.

Sec. 13. In each year, at the June term of the Recorder's court for the city of Saginaw, the clerk of said board shall present a petition praying that all such property and moneys as have remained in the hands of the clerk of the police station unclaimed for a period of six months or more preceding that date be condemned and sold and the proceeds thereof paid into the general fund. Upon filing such petition said court shall make an order, briefly describing the property, stating that application for condemnation and sale thereof has been made by the clerk of said board, and requiring all persons interested therein, by way of ownership or otherwise, to appear and show cause, if any there be, at a session of said court, to be therein designated, why such property should not be condemned and sold, and the proceeds thereof paid into said fund. Such order shall be published for a period of not less than one week in the official paper of said city, and at the time and place designated by the order of the courts and upon due proof of publication of said order, the court shall proceed, unless cause be shown to the contrary, to condemn and order sale of said property, and payment of the proceeds thereof into said fund, and shall, in and by the order, have power to direct the time and manner of sale. After the making of such sale, the clerk of said court, or the said city of Saginaw, shall not be required to answer in any form, or to any extent, to any

Indemnity
bond

Recorder's
Court order
sale.

Proceeds to go
into general
fund.

Publication
of sale.

Such sale a
bar to recov-
ery.

person claiming ownership or right of possession to any of such property so condemned and sold, but such condemnation and sale shall bar all right of recovery thereof.

Bonds of
officers.

Sec. 14. The Board of Police Commissioners shall require and make suitable provisions concerning security to be entered into by the Chief of Police, the Captain of Police, and the clerk of said police station, and said board in their discretion may require security from any member of the force, conditional for the performance of duty, involving the care and disposition of property.

Disorderly
persons.

Sec. 15. Any person who has no trade or occupation at which he or she actually labors, and has no visible means of support, or frequents houses of ill-fame, or places where gaming for money is carried on, or any person who having been convicted and imprisoned for any offense by any court in this State, who has not trade or occupation at which he or she actually labors, or frequents houses of ill-fame or gaming, or who shall be drunk or intoxicated, or who shall make, aid, countenance or assist in making any loud noise, riot or disturbance or improper diversion; or who shall use any indecent, criminal or insulting language; or who shall be guilty of any indecent, vulgar or criminal conduct; or who shall collect in bodies or crowds, to the annoyance, hindrance or disturbance of citizens or travelers; and all persons who shall carry, conceal on or about their persons, any pistol, revolver, bowie knife, dirk, slung shot, billie, sand bag, false knuckles or other dangerous weapon; or who shall lay in wait, lurk or be concealed, with intent to do injury to any person or property; or who shall threaten to beat or kill another, or injure him in his person or property; or who shall contend with hot and angry words, to the disturbance of the good order and peace of said city, shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars and the cost of prosecution; and in the imposition of any such fine and costs, the court may make a further sentence that in default of the payment thereof

Penalty.

such offender be imprisoned in the city prison of said city, or the county jail of Saginaw county, for any period of time not exceeding ninety days, or the court may impose both such fine and costs and imprisonment, in the discretion of the court having jurisdiction thereof.

TITLE XII.

BOARD OF PUBLIC WORKS.

Section 1. At the first regular meeting of the Common Council in January, A. D. nineteen hundred three, there shall be created and constituted a new Board of Public Works in and for the City of Saginaw, composed of three members, who shall be elected by the Common Council, and who shall be citizens and residents of the City of Saginaw, no more than two of whom shall reside in any one taxing district, or belong to the same political party, and who shall hold their office until their successors have been elected by the Common Council in January, A. D. nineteen hundred three; said successors to be elected, one for the term of one year one for the term of two years and one for the term of three years, from the date of their appointment, and the Council shall elect annually thereafter a member of said board for a period of three years. The members elected under this Act shall, within ten days after their election, or such further time as the Common Council may fix, meet and organize such Board of Public Works by the election of one of its members president, and the Common Council shall at all times provide said board with suitable office room for its meetings and business, and supply record books, stationery and other things necessary for the transaction of public business under the charge of said board; and provide for the payment, in like manner as other accounts against the city, of all necessary and lawful accounts incurred by said board. Said board shall have one regular meeting each week, and such special meetings as may be necessary, and each member shall have one vote; a majority of such board shall be a quorum for the transaction of business. Each member of said board shall be allowed as compensation for his services three dollars for actual attendance at each regular meeting of said board, to be

Board of Public Works,
how elected.

Not more than two of the same political party or taxing district.

When to organize and elect President.

Common Council to provide office room.
Supplies.

Pay Accounts,

Regular meetings.

Quorum.

Compensation

certified by the Clerk to the Controller quarter-yearly, and paid out of the general fund.

Sec. 2. Said Board of Public Works shall (after the said public improvements have been first duly ordered by the Common Council) have supervision and charge of the construction and repair of all sidewalks, crosswalks, culverts, bridges, docks, fountains and reservoirs; the construction and repair and extension of all main and lateral sewers and drains; the erection, alterations and repair of all police stations, city halls and other public buildings of every description in said city, except school houses and fire stations and engine houses; provided, however, that repairs on said buildings, not exceeding in cost the sum of twenty-five dollars, may be made by the Controller; the deepening and cleaning of ditches and gutters, the cleaning, repairing, grading, paving, repaving, planking, graveling or covering with other material of all streets and alleys; the laying out and improvement of all parks, cemeteries and grounds, and examine and consider all matters relative to supplying the city of Saginawaw with a sufficient quantity of pure and wholesome water for the use and convenience of all the inhabitants of said city, to be obtained from the Saginaw River, the Tittabawassee River, the Shiawassee River, or such other place or source of supply as may be deemed expedient, and as may be approved by the Common Council, and to plan, manage and construct such water works so as to provide for an ample supply to protect said city against fire and for other public or sanitary purposes, and the best interests of said city and its inhabitants may seem to require, and perform such other duties in the superintendence, construction and care of public works and improvements as the Common Council may from time to time direct.

Duties of Board.

Controller may make certain repairs.

Water supply.

Water works.

Other duties as directed by Council.

Sec. 3. Said board shall, from time to time, cause to be assessed the water rate to be paid by the owner or occupant of each lot, house or building having or using water, upon such basis as they shall deem equitable, and

Water rates, how assessed and collected.

When a lien. such water rate shall become a continuing lien until paid upon such house or other building, and upon the lot or lots upon which such house or building is situated: **Proviso.** When water is furnished a tenant, said board shall cause notice to be served on the owner of such lot or **Owner liable.** building, within thirty days after default on the part of the tenant to pay such water rate, or no such lien shall attach. Said board shall have full power to make and enforce all necessary by-laws, rules and regulations for **Collector.** the collection of the water rates, either by appointment of collector to demand the same, requiring payment to be made to the Treasurer of the city of Saginaw, and shall **Enforcement of payment.** shut off the water, or by a suit at law, before any Court of competent jurisdiction. If any sum of money is needed over and above the revenue of said water works **Payment of bonds and expenses.** to meet the payment of interest or principal of bonds issued, and other current expenses of said water works, the **Approval of Board of Estimates.** Common Council may, upon the approval of the Board of Estimates, raise any sum not exceeding one-half of one per cent. upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, **Limitation of tax.** which it deems necessary for such purposes, by tax upon the proper taxing district, in the same manner as general taxes, to be designated a water tax.

Power to extend water system. Sec. 4. The said board shall have power from time to time, by and with the consent of the Common Council, to purchase such lands, erect such buildings and supply such machinery, reservoirs, pipes and fixtures as may be required for the proper maintenance, operation and extension of the water supply of said city.

City vested with title. Sec. 5. The consolidated city is hereby vested with the title to all existing water works, machinery, pipes, buildings and appurtenances of every kind heretofore belonging to the city of Saginaw and the city of East Saginaw, and shall assume and pay by the respective taxing districts all the indebtedness, bonded or otherwise, outstanding or incurred therefor, and to meet such bonded indebtedness the Common Council shall have

Paying bonded indebtedness.

power to create a sinking fund and may levy and collect ^{Sinking fund.} annually therefor not exceeding forty thousand dollars, ^{Limit of} and may also credit to such fund such sums from the ^{Amount,} water funds as in the judgment of the Common Council shall be proper for such purpose, and in case the fund so collected is not adequate to meet and pay the said bonded indebtedness as the same matures, the Common Council shall have power to issue the bonds of the consolidated city, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, to be styled ^{Water refunding bonds not more than 6 per cent interest.} water refunding bonds, and to pledge the credit of the whole city for the prompt payment of the principal and interest to the holder, as provided in section twenty-eight, title six, and to sell and dispose of the same at the best obtainable price, and with the proceeds thereof to pay and repeal all maturing bonds. To meet the cost of the maintenance, improvement and extension of the present ^{Water bonds interest not to exceed 6 per cent.} system in excess of the revenue derived from the works, the Common Council shall have power to issue and negotiate bonds, to be styled water bonds, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, not exceeding two hundred thousand dol- ^{Limit of.} lars in amount in any one year, and to pledge the faith and credit of the city for the payment thereof, both principal and interest to the holder, pursuant to section twenty-eight, title six, provided that the matter of issuing said bonds shall first be submitted to the taxpaying elec- ^{Submitted to taxpayers.} tors, as provided for in section two of title five of the Charter. The Common Council shall specify by resolution the amount of such bonds, or of such water refunding bonds, separately, which may be issued to retire the ^{Common Council to specify separately what each taxing district is to pay.} existing bonded indebtedness of said eastern taxing district, or of said western taxing district, as the case may be, and also the amount of such water bonds separately as may be issued to meet the cost of the maintenance, improvement and extension of the water works system in said respective taxing districts. The par value of the water refunding bonds issued by the consolidated city shall be charged against the district, the bonds of which

they are issued to retire, and such taxing district shall be separately taxed and pay the interest and principal of such water refunding bonds, all in manner and form as provided in section twenty-eight of title six. The proceeds of water bonds issued under the authority of this section shall be paid into the separate funds of the respective districts, and such district shall be separately taxed and shall pay for the cost of the extension, improvement and maintenance of its water works system, and of the said water bonds issued therefor, all in manner and form as provided in section twenty-eight of title six.

Proceeds how applied.

Bonds not sold less than par. None of said water bonds shall be sold for less than par value.

Injury of property.

Sec. 6. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used within the city of Saginaw or elsewhere by said board, or any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall willfully pollute the water, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished therefor as other misdemeanors are punished.

Pollution of water, misdemeanor.

Penalty for tapping, etc., pipes.

Sec. 7. If any person shall, without the authority of said board, as delegated through them or their agents, perforate or bore, or cause to be perforated or bored, any distributing pipe or main, lateral or log, belonging to the water works of said city, or make, or cause to be made, any connection or communication whatever with the said pipes or logs, or break or in any way injure the same, every person so offending shall, for each offense, forfeit a sum not exceeding one hundred dollars and cost of prosecution, to be recovered in the police court of said city, or other court of competent jurisdiction, or may be imprisoned in the county jail of Saginaw county not more than three months, in the discretion of the court.

Private connection fees.

Sec. 8. Said board may fix a uniform charge or fee in any street or portion of a street, for putting in a tap

or making private water connections with a street main, which charge or fee may include all the costs and expense of labor and material for connecting such main with a service pipe and laying the same from the center of such street to the curb line thereof. And whenever it shall be desirable in anticipation of paving, repaving or otherwise improving any street, to require the owners or occupants of lots, pieces or parcels of land, fronting on the portion so to be improved, to connect such premises with the water main in said street, as now or hereafter provided by the ordinance of said city, and if said owner or occupant shall fail to connect the same in compliance with the notice given under said ordinance said board may then cause the necessary work to be done to connect said premises with the water main in said street, and furnish the labor and material required therefor, and charge the lot, piece or parcel of land in front of which said private water connection is laid, with the fee or charge for making said connection so established by it as aforesaid. And the same shall be assessed against said real estate in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title six of this Charter for making special assessments.

Owners may be required to make connection.

Board may cause work done and assess cost.

Sec. 9. Whenever the Common Council of said city shall have decided upon the making of any such public improvement, including bridges crossing the Saginaw river, it shall so declare by resolution; and the Board of Public Works, with all convenient dispatch, shall determine as to the particular kind, and estimate, the quantity of materials to be used therefor, and estimate, in detail, the probable cost and expense of such work, and of the material to be used therein, and make a record thereof in their office; and cause to be prepared plans and specifications in detail for such work or improvement, and place the same on file in their office, and report their determination and estimate to the Common Council. When such plans and specifications have been submitted to the Common Council and adopted by it, the said Board

Council to order public improvements including bridges, by resolution.

Board to determine kind and estimate the quantity of material and report same to Council.

of Public Works shall (except in the case of the cleaning and deepening of ditches and gutters, and the repair of streets and sidewalks) advertise for proposals for the furnishing of material and for the performance of such work in accordance with the plans and specifications so recommended and adopted; and shall require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for the performance of any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board, together with its recommendation in respect thereto, to the Common Council. No contract shall be let except to the lowest responsible bidder nor unless it be first recommended by the said Board of Public Works, and authorized by the Common Council.

Board to advertise for proposals for same.

Contractors to furnish security.

Bids to be publicly opened.

Contract to be let to the lowest responsible bidder.

Contracts, how executed.

Rights to be reserved.

May retain part of contract price.

Sec. 10. All contracts made by said board shall be in the name of the city of Saginaw, be first approved, as to form, by the City Attorney, and be executed by the President and clerk of said board, and when made such board shall, in behalf of the city, have direction of the performance thereof. The board shall reserve the right, in all contracts, to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; and in case of the improper, dilatory or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same, if improperly done to re-let the work covered by said contract, or any unfinished portion thereof; or, by its employees, to take possession and complete the same at the expense of the contractor. It shall also have the right, by proper provisions, in all contracts, to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed and material furnished upon any public work; and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled

thereto, and charge the amount so expended against the contract price.

Sec. II. The said Board of Public Works shall have ^{Appointment of officers by Board of Public Works.} power to appoint a City Engineer, Superintendent of Public Works, bookkeeper, engineer and fireman at the water works and hydrant men, all of said appointees to hold office during the pleasure of the board. The City Engineer shall make all surveys for the laying out, constructing, altering, repairing and improving of streets, sewers, water mains, parks, cemeteries, public grounds and buildings, and prepare all necessary plans, diagrams, profiles and specifications therefor, and do the civil engineering work of every description as required by the Common Council, the Board of Public Works, or any board of said city, and he shall have personal supervision under the direction of the Board of Public Works, of the construction and repairing of public buildings, grading, paving, repaving, sewers, bridges, parks, cemeteries, public grounds and the water works system of the city of Saginaw, and such other public work as the Board of Public Works may require. Said Engineer shall have ^{Duties of Engineer.} authority to employ, subject to the approval of the Board of Public Works, such assistants, inspectors and clerks under him as are required for the prompt and proper performance of the engineering and public works department of said city, and said Engineer may discharge such assistants. The Superintendent of Public Works shall have ^{Engineer to employ assistants.} supervision, under the direction of the City Engineer, of the cleaning and repairing of public streets, alleys and grounds, the construction and repairing of sidewalks and crosswalks, the cleaning and deepening of ditches and gutters, and such other duties as may be required by said City Engineer or the Board of Public Works. Said Board of Public Works shall also have authority to employ all other subordinates as may be necessary to enable the ^{Duties of Sup't of Public Works.} Board of Public Works to properly perform the duties devolving upon it. Said Board of Public Works shall ^{Board to employ other assistants.} recommend annually, but the Common Council shall have ^{Board to recommend salaries.}

Council to fix same. the authority to fix the compensation of the engineer and firemen of the water works, hydrant men, bookkeeper, Superintendent of Public Works, City Engineer, and all other appointees of said board, except as herein provided.

Board to fix compensation of day laborers. Said Board of Public Works shall fix the compensation paid to persons employed by the day, and all claims for the same shall, whenever certified by the Board of Public Works, be submitted to the Common Council for allowance and payment, in the same manner as other claims against the city.

Same submitted to Council for allowance.

Board to keep accurate account of expenditures and salaries. Sec. 12. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs and superintendence, and salaries of employees, and also detailed accounts of all other matters under its charge and control, and on the first Tuesday of January in each year, and oftener if required by the Common Council, submit to it a statement, showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and material furnished, and report the same to the Common Council, and it shall be the duty of the Common Council, without unreasonable delay, to order payment from the proper funds of the amount so reported, and during the month of January in each year said board shall submit to the Common Council a financial statement covering the business of the fiscal year.

Submit same to Council and when.

Board to make estimates upon contract work.

Report same to Council.

Board to furnish annual statement of business to Council and when.

City Attorney to act. Sec. 13. The City Attorney shall act as legal adviser of said board, and the City Clerk shall be by himself or his deputy, by him to be appointed, the clerk thereof, and shall keep a full record of its proceedings, showing

Clerk to keep record of all Board's proceedings.

the vote by ayes and nays of each member upon every motion brought before or determined by said board, relative to the adoption of plans, letting of contracts, approval of bonds, or the appointment of officers or employees, which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in the official newspaper of the city. A majority of the board shall form a quorum for the transaction of business, but a majority of all members constituting said board, shall be necessary to decide any question before the same. Said board shall appoint a bookkeeper, who shall keep a set of books showing the accounts and condition of said board and all work done by them. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employees, and appoint or employ others in their place, as to the said board the public interest may seem to require.

Record open
to public
inspection.

Quorum.

Appointment
of bookkeeper
and duties.

Board to
make its by-
laws, rules and
regulations.

Power of
Board to fix
duties and to
suspend, dis-
charge or ap-
point em-
ployees.

Sec. 14. No member of said board shall hold an elective or appointive office under the Charter of said city during his continuance as a member of said board, and his election to and acceptance of any office in said city shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city, nor in the sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed by the Common Council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: Provided, That the charges against the said member sought to be removed, and the notice of the time and place of hearing the same shall be served on him at least ten days previous to the time so assigned, and an opportunity given him to make his defense. Whenever

Members of
Board can not
hold other
elective or
appointive
office.

Not interested
in any con-
tract for
public work.

Removal.

Proviso.

Vacancy,
how filled.

a member shall be removed, or a vacancy in said board shall occur by reason of the removal of any member thereof from said city, resignation, death or otherwise, the same shall be filled for the unexpired term by the appointment of the Common Council.

Public records
property of
city.

Sec. 15. All books, surveys, field notes, plats, plans, specifications and other records of every description, relative to streets, sewers, public grounds or buildings of the cities of Saginaw and East Saginaw, together with all future surveys, surveyors' field notes, plats, records, plans, profiles and other papers connected with the work of the board, shall belong to the city, and be carefully preserved as public records.

Board of Pub-
lic Works May
1, 1901, to con-
tinue.

Sec. 16. The Board of Public Works existing May first, A. D. nineteen hundred one, shall be continued and remain and perform the same duties performed by them under the Charter of the city of Saginaw, in force before this Act takes effect: Provided, That said board shall consist of the five members whose terms would last expire. They shall perform the same duties until the new Board of Public Works, as provided in section one of this title is appointed and qualified, and on said new board's qualifying, then said Board of Public Works, as heretofore constituted under the Charter of the city of Saginaw, shall be terminated and abolished.

New Board
appointed, old
one abolished.

TITLE XIII.

RECORDER'S COURT.

Section 1. There shall be a court in and for the city of Saginaw, to be known as the Recorder's Court, which court shall be a court of record. The Recorder of said city shall be the Judge of said court. No person shall be elected Recorder unless he is a resident and citizen of the city of Saginaw, and at the time of his election an Attorney and Counselor at Law of the Supreme Court of this state.

Recorder's
Court a
Court of
Record.

Qualification.

Sec. 2. The City Clerk shall be EX-OFFICIO Clerk of the Recorder's Court, and he may appoint a deputy, who shall be authorized to perform all the duties of the clerk of said court, but the clerk and his sureties shall be responsible for the acts of the deputy.

City Clerk to
be Clerk of.

Sec. 3. Said Recorder's Court shall have original and exclusive jurisdiction in all actions and proceedings to open, widen or extend any public street or alley, and of all other proceedings where it shall be necessary to appropriate private property for any public use within said city.

Jurisdiction.

Sec. 4. The Recorder's Court shall be held on the second Monday of each month, and the terms of said court may be continued until the business is disposed of; and special sessions may be held as often as may be deemed necessary; and if from any cause the Judge of said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have the power, and it shall be his duty, to open said court and adjourn it from time to time until the Judge shall be able to attend; and in such case all proceedings and matters pending in

Terms of
Court.

Clerk may
adjourn
from time to
time.

said court shall stand continued until said Judge can hold said court; and it shall be lawful for said Judge or clerk to administer oaths to witnesses on the trial of the cause, to take affidavits or depositions to be read in said court under the rules and practice thereof.

Clerk to
keep journal.

Sec. 5. The clerk of said court shall keep a journal of the proceedings of the court, under the direction of the Judge, and all entries therein shall be read in open court by the clerk from day to day, and shall be corrected

Judge to sign when necessary, and signed by the Judge thereof.

Journal to be
delivered to
successor.

Sec. 6. The said journal shall be and remain a public record in the office of the clerk of said court, and shall be by him delivered over to his successor in office, together with the books and papers belonging to said office; and the Recorder's successor in office shall be authorized to continue and complete all proceedings begun by his predecessor. Any record or entry made in said journal, as aforesaid, may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it may be necessary to refer thereto, either from the journal itself, or from a copy thereof, certified by the clerk, with the seal of the court affixed.

Record and
journal to be
evidence.

Contempt of
Court, how
punished.

Sec. 7. The said Recorder's Court shall have full power to punish for contempt of court, by fine or imprisonment, or both, but such fine shall not exceed twenty-five dollars, nor such imprisonment sixty days. The Marshal, and so many policemen or constables as may be required, shall attend the Recorder's Court, obey its orders and execute and return all processes issuing out of said court to them directed, in the same manner as sheriffs or other officers of courts of record in this state.

Police, etc.,
to attend and
serve all pro-
cesses.

Writs to run
in the name of
the People.

Sec. 8. All writs and processes from the Recorder's Court shall run in the name of the people of the State of Michigan, be directed to the Marshal or any policeman or constable of said city, shall bear test in the name of the Recorder, shall be sealed with the seal of said court,

How tested,
sealed and
signed.

signed by the clerk, and dated on the day on which the same shall be issued.

Sec. 9. The practice of said court shall, so far as ^{Rules and practice.} the same may be applicable, conform to the rules and practice prevailing in the Circuit Courts of the state, but the court may make special rules, not inconsistent therewith, as may be required for the dispatch of business in said court.

Sec. 10. The Recorder shall be entitled to the following fees, to be audited and paid out of the general fund: For hearing and deciding any special motion, five dollars; for trial of any cause or matter, five dollars per day, for time actually employed in the trial thereof, and for attending each term when there is no business to be transacted at such term, three dollars.

TITLE XIV.

POLICE COURT.

**Expiration of
term of Police
Judge.**

**Recorder to
perform
duties.**

**Where Police
Court shall be
held.**

**Police Judge
to act until
April, 1902.**

**Recorder's
power and
authority.**

**May act as
Justice of the
Peace.**

**Peremptory
challenges.**

Section 1. From and after the first Monday in April, A. D. nineteen hundred two, being the date of the expiration of the term for which the present police judge was elected, the Recorder shall have the authority and shall perform all duties connected with the office of police judge as authorized by the charter of the city of Saginaw. A police court shall be held in said city at the city hall, to be styled the Police Court, and a session of said court may be held daily at seven-thirty a. m. in the central police station, and as soon thereafter as possible in the west side police station; said court, however, shall not be a court of record. The present Police Judge, after the passage of this Act, shall perform his duties as heretofore, or as further provided in this Act, until April, A. D. nineteen hundred two, viz.: the date of the expiration of the term for which he was elected, and his duties and authority shall thereupon cease and the Recorder shall become his successor as herein provided. Said Recorder as police judge, shall have power and authority to take complaints, issue any process necessary in said court, to be signed by said judge; and the court shall have the same power to punish contempt and preserve order, to compel the attendance of witnesses, parties and jurors, and to determine as to the qualifications of jurors, as a circuit court and the judge thereof, and such further powers incident to a circuit court and the judge thereof as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court. He shall also have all the powers and authority of a Justice of the Peace in the trial of civil cases. In every criminal trial in said court by jury, the city or the people, as the case may be, shall be entitled to but two peremptory challenges. After the expiration of the term of the present police judge, the

Recorder, acting as police judge, shall have and exercise the same jurisdiction and power in all civil suits and proceedings, and perform the same duties in all respects so far as occasion may require, as are or may be conferred upon or required of Justices of the Peace by the general laws of this state, and such further powers as are conferred by this Act, and shall have jurisdiction in all civil cases where the plaintiffs, or any of them, or the defendants, or any of them, reside in the county of Saginaw. The police judge and clerk shall receive no fee or perquisites for their services as such performed under this Act, but in lieu thereof the Recorder, acting as police judge, exclusive of Recorder's fees, shall receive an annual salary of twelve hundred dollars, for services actually performed, which shall be paid by the city of Saginaw monthly. The clerk of said police court shall receive an annual salary, to be paid by said city, in the manner herein provided for the payment of the salary of the Recorder acting as police judge not to exceed nine hundred dollars. Neither the Chief of Police, nor any member of the police force of said city, shall receive for his own use any fees for services performed under this Act.

Recorder to have same jurisdiction and power as civil suits as Justice of the Peace.

Police Judge and Clerk to receive no fee for services under this act.

Salary of Recorder.

Salary of Clerk of Police Court.
Chief of Police nor members of Police force not to receive fees for services.

Sec. 2. Said Police Court shall have original jurisdiction to issue process for, hear, try and determine all cases against persons charged with violations of the provisions of the Charter of said city, or of any acts of the legislature, relative to the government thereof, and of the by-laws and ordinances of the Common Council thereof already enacted, or that may hereafter be enacted, anything in any other law of this state, or the Charter of said city, or any ordinance of said city contained to the contrary notwithstanding, and shall have concurrent jurisdiction with justices of the peace in all civil cases, and all the provisions of the law relative to complaints against offenders for violations of the provisions of the Charter of said city, or any by-law or ordinance of the Common Council of said city, or of the acts aforesaid and relative to process, proceedings and judgments therein, and rela-

Original jurisdiction in city cases.

Concurrent jurisdiction with Justices of the Peace in all civil cases.

Original
jurisdiction
in misde-
meanors and
felonies.

tive to executions upon such judgments and proceedings thereon, shall apply to said Police Court, and the Judge thereof shall have all the power and authority heretofore conferred by the Charter, by-laws and ordinances of said city upon the Police Justice thereof. Said Police Court shall have original jurisdiction to issue process for, hear, try and determine all cases of misdemeanor and of a QUASI criminal nature, committed within the corporate limits of said city, heretofore or hereafter, within the jurisdiction of said justice courts, anything in any other law of this state contained to the contrary thereof in any wise, notwithstanding. Said Police Court shall have original jurisdiction to issue process for, hear and examine, and to hold to bail, or to discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said Police Court shall have authority to sentence any person convicted therein of the commission of a misdemeanor, and triable in justice courts of this state, the same as justices of the peace may by law do, and in all other cases of misdemeanor, as is or may be provided by law for such offenses. It shall not be necessary to file a record of any conviction had in said court, but the dockets and files shall be PRIMA FACIE evidence of all proceedings had in said court; and in all cases of the violation of the provisions of the Charter, by-laws or ordinances of said city, each member of the police force of said city, may make arrests without process, when committed within his presence; in which case complaint and arraignment shall be made without delay, so that no injustice shall be done.

Dockets and
files to be
evidence.

Police may ar-
rest without
process.

Practice of.

Process, how
issued, how
served.

Sec. 3. The practice of the said court shall be the same as the practice in courts of justices of the peace and the laws of the state relative to such practice, and the procedure before justices of the peace shall, except when herein otherwise provided, extend to the police court so far as is consistent with the practice of said court. All process issued out of said court shall be signed by the Judge thereof, and in criminal cases directed to the

Chief of Police or any member of the police force of said city. The Chief of Police, or any member of the police force of said city shall, under this Act, possess all the powers and authority heretofore given them by the charter of said city, or any other law of this state, or ordinance or by-law of said city, and shall have exclusive power, and it shall be their duty to serve and execute all process issued out of said court in criminal cases: PROVIDED, HOWEVER, Said Police Judge may direct the service of warrants by the sheriff of said county, by an order of said Police Judge endorsed upon any such process. It shall be the duty of the sheriff to keep a record of all process placed in his hands to be served and executed, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein, and the amount of fees and charges of the officer who shall execute the same.

May be directed to Sheriff.

Sheriff to keep a record.

Sec. 4. It shall be the duty of the Common Council of said city to provide a suitable office for the clerk of said court, adjacent to the court room thereof, and such necessary furniture, fuel records, blanks, stationery and other articles that may be required for the court, clerk and other officers of said court.

Council to furnish office and supplies.

Sec. 5. The Police Court shall always be open for business, but may adjourn its sittings from day to day and from time to time, as may be convenient and not inconsistent with the dispatch of business therein; cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance, and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. One member, at least, of the police force of said city, shall attend each session of said court as the officer thereof. In case of the removal from the city of said Judge of said court, his death, resignation or removal from office, his

Court, when open.

Adjournment

Limit of adjournment of cases, except when.

Court officer.

Vacancies, how caused and filled.

office shall be vacant and such vacancy filled in the manner hereinbefore provided; the same cause shall be deemed to constitute a vacancy in the office of the clerk of said Police Court, and such vacancy shall be filled in the manner hereinbefore provided for the appointment of such clerk.

Appeals,
how taken.

Sec. 6. The defendants in criminal cases shall have the right of appeal, provided such appeal shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence, and CERTIORARI from final judgment of said court, as provided by law for appeals and CERTIORARI from final judgments of justices of the peace in criminal cases, such appeals being taken and perfected as hereinbefore in this section provided. Appeals and writs of CERTIORARI, both in city and state cases, shall be taken, perfected and returned in the manner provided by law for like Acts before justices of the peace in criminal cases, except as hereinotherwise provided, and appeals in civil cases shall be taken the same as from justice courts.

Justice of the
Peace to be
Assistant
Police Judge.

Sec. 7. The Justice of the Peace of said city shall be assistant Police Judge, and shall exercise the power, authority and jurisdiction conferred upon said Police Judge in case of the absence, inability or disability of the Recorder to perform the duties of Police Judge, and in case of vacancy in the office of Recorder, said assistant Police Judge shall have power to and shall perform the duties of Police Judge until such vacancy shall be filled. During the absence, inability or disability of the Recorder to perform the duties of the office of Police Judge, he shall receive no salary.

If Recorder
don't act as
Police Judge
he shall re-
ceive no
salary.

Prosecution of
city cases.

Sec. 8. Cases commenced in the name of said city for violations of the provisions of the Charter or ordinances of said city, or of any Act of the legislature relating to the government thereof, shall be prosecuted and proceeded in and the judgment thereon, and the final process upon said judgment to carry the same into effect,

shall be in all respects as in criminal cases, but all fines and costs collected in such cases, and also all costs collected in state criminal cases, shall belong to and be paid by the clerk of the police court into the city treasury of Saginaw on the first Monday of each and every month, or within three days thereafter; but all fines collected in such state criminal cases shall belong to and be paid into the county treasury at the same time, and receipts therefor duly issued to said clerk. Said clerk shall at the same time report in writing to the Common Council of said city in city and state criminal cases, and to the Board of Supervisors in state criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and cost separately collected by him and shall make oath thereto that the same are correct and that he has paid over all said moneys respectively, in accordance with the provisions of this Act. All costs and expenses of trying, examining and committing offenders against any law of this state in said court, shall, unless collected, be audited and paid to said city in the manner provided in section eleven of title IV of this Act.

Fine and cost to be paid to City Treasurer in city cases, to the County Treasurer in State cases.

Report to Council and Board of Supervisors.

Cost in State cases to be paid to the city.

Sec. 9. The fees and costs in each case in said court, whether under the laws of this state, or under the Charter, by-laws or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace in criminal cases, and shall be taxed, and an itemized bill kept in each file thereof. The fees of witnesses, jurors, sheriffs and constables, other than police officers of said city, shall, when collected, be paid to them by said clerk, to their own use, and in city cases commenced before said police court for the recovery of fines, penalties or forfeitures, and in all cases of offenses against the criminal laws of this state, within the jurisdiction of said court, to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge or jury, judgment for cost accruing in the case shall be ren-

Fees, etc., same as before Justice of the Peace.

To be taxed and itemized. Witness, etc., fees, how paid, when collected.

How in city cases. State cases.

dered against and paid by said defendant, in addition to the fine, penalty or forfeiture imposed.

Security for
cost may be
required.

Sec. 10. The said police judge shall have authority in all cases, either state or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs, to the satisfaction of said judge or clerk, and the persons becoming such security shall sign a memorandum in writing to that effect, which said clerk shall keep as a part of the record in the case. If the defendant or accused be discharged on examination or acquittal on trial, the said police judge shall enter a judgment for costs against the surety and the complaining witness, either or both of them, which shall be of like force and effect and shall be collected as by judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions, as near as may be: PROVIDED, HOWEVER, **Before** rendering such judgment said judge shall cause to be certified on the record that such payment of costs by such complainant is just and equitable.

When and
how
collected.

Proviso.

Circuit Court
to have appel-
late jurisdic-
tion.

Sec. 11. The Circuit Court of the county of Saginaw shall have exclusive appellate jurisdiction of all causes, civil and criminal, brought before the police judge and justice of the peace of said city, and also of all prosecutions brought for violation of this Act, or of any ordinance of said city, and of all actions for the recovery of any fine, penalty or forfeiture for the violation thereof. Appeals may be taken from and writs of CERTIORARI may issue to said police judge and said justice of the peace, in the same cases, upon the same conditions, and with like effect as is now, or may at any time hereafter be provided by the general laws of the state in respect to actions, prosecutions and proceedings before justices of the peace in the several townships of the state: PROVIDED, That on the trial of all appeals from any convictions for violation of the provisions of this Act, or of any ordinance made in pursuance thereof, the City Attorney shall be entitled to appear and to prosecute the same, and may exercise the

Appeals.

City Attorney
to appear in
city cases.

same powers and perform the same duties in the prosecution thereof as are exercised and performed by the Prosecuting Attorney of Saginaw county, on the trial in said court of offenses against the general laws of the state.

Sec. 12. The Recorder and Justice of the Peace, in January, nineteen hundred and three, and every two years thereafter, shall, at a regular meeting of the Common Council, nominate a clerk of the Police Court, to be elected by the Common Council, and he shall be a resident and citizen of said city. Before entering upon the duties of his office, said Judge shall take and subscribe and file in duplicate, with the clerk of said city and with the clerk of the County of Saginaw, respectively, the constitutional oath of office. He shall be a resident and citizen of said city.

Election of Clerk of the Police Court and qualification.

Oath of office.

Qualification of Judge.

Sec. 13. Before entering upon the duties of his office, the clerk of the police court shall take, subscribe and file with the clerk of said city, the constitutional oath of office, and give a bond to the City of Saginaw, and a bond to the Treasurer of the County of Saginaw, each in the sum of two thousand dollars, with sufficient sureties to be approved by the Common Council of said city, and by the Treasurer of said county, respectively, conditioned for the faithful discharge of the duties of his office, and to account for and pay over to the proper treasurers, in the manner and at the times hereinafter provided, all moneys which shall come into his hands by virtue of said office. The bond to the city shall be filed with the City Clerk, and the bond to the Treasurer of said county shall be filed with said Treasurer. If for any cause a vacancy shall occur in the office of Recorder, the Common Council of said city may order a special election to be held for the election of a Recorder for the remainder of the term of said Judge, which said election, if ordered, shall be conducted in the same manner as the biennial city elections, and the same notice thereof given as is required by law to be given for the biennial city elections.

Clerk of Police Court, oath of office, furnish bonds.

Bonds where filed.

Vacancy in office of Recorder, how filled.

Clerk to keep records of Police Court and Justice's Court.

Stationery.

Judge to sign journal and docket entries

Clerk to account for moneys. Preserve records.

Powers of Clerk.

Sec. 14. The Clerk of the police court shall keep the records of said court and justice court and do all the necessary clerical labor of said court and be the custodian of the records and files and property of said court in all criminal cases; he shall provide the court and its officers with necessary stationery, record blanks and other articles to be furnished by said city on requisition on the Controller thereof. The journal and docket entries of said court shall be signed by the Judge thereof. The clerk shall receive and account for all moneys collected. The clerk of said court shall file and preserve all the records and files of said court, and he shall not be concerned as counsel in any case therein; he may sign and seal all writs and process issuing from said court, as provided in this title, and shall have power generally to administer oaths and affidavits, take recognizance or bail, swear witnesses and jurors, and do all acts usual and proper to do by the clerk within the jurisdiction of said police court.

Suspension or removal.

Sec. 15. Said Recorder or the Police Clerk may be suspended from his office and removed therefrom in the same manner and form as provided by law for the suspension and removal of Justices of the Peace.

Stenographer in examinations.

Compensation

Sec. 16. In case of examination of offenders by said police judge, for offenses committed against the criminal laws of this state, when said police judge has jurisdiction to examine and hold to bail only, it shall be lawful for said police judge to cause an order to be entered in the record of such examination, appointing, if in his judgment it is for the best interests of the public so to do, some suitable stenographer to take down in shorthand the testimony in any such examination and to write the same out in long hand; and any stenographer so employed in any such examination, shall receive such PER DIEM compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in long hand such testimony so taken as aforesaid, as shall be fixed by the Board of Supervisors

of Saginaw County, the same to be allowed and paid out of the treasury of said county.

Sec. 17. Prosecutions for violations of any of the ordinances of the Common Council, or the charter of said city, shall be commenced before the police court of said city by complaint and warrant, and upon complaint in writing, and on oath, being made before said Police Judge, setting forth briefly what ordinance or provision of the Charter of said city has been violated, and in what manner and by whom, and warrants shall issue directed to the Chief of Police or any policeman or constable of said city, reciting the substance of such complaint, and commanding such officer, in the name of the people of the State of Michigan, to arrest the person named in said complaint and bring him forthwith before said court to be dealt with according to law; and upon such person so brought before such court, such proceedings shall be had as are provided for the trial of criminal cases before said court in this Act.

Prosecution of city cases, how commenced.

Who to serve.

Proceeding as in criminal cases.

Sec. 18. Any policeman, constable or other officer of said city may arrest any person, without warrant, while in the act of violating the Charter or any ordinance of said city; and the person so arrested, shall be forthwith taken before the Police Judge as aforesaid, and complaint then made against the person so arrested, and such proceedings shall thereupon be had as provided in section eighteen of this title, except that no warrant need be issued for the arrest of the person so brought before said Judge: PROVIDED, That any person so arrested in the night time may be detained in custody until such time as he can be taken before such court.

Arrest without warrant.

Immediate arraignment, except.

Sec. 19. Upon conviction of any person in prosecutions commenced by complaint, it shall be the duty of the judge before whom such conviction is had, to sentence the offender to pay such fine or penalty as said judge may determine, not exceeding the amount specified in the ordinance or provisions of the Charter violated, together with the costs for prosecution, within such time

Sentence for violation of ordinances.

as said judge shall order, and in default of such payment, said judge shall order the offender to be imprisoned in the city jail of said city, or in the county jail of Saginaw county, for such time as such judge may determine, not exceeding the time fixed in and by the provisions of the Charter or the ordinance, for the violation of which said offender was convicted, and said judge shall issue a commitment to the officer who arrested such offender, or policeman of said city, and to the keeper of the jail in which said offender is ordered to be imprisoned, commanding that said offender be taken to said jail, and there confined for the time ordered by said judge, and it is hereby made the duty of the officer to whom such commitment is directed to obey the same. Any person so imprisoned shall be entitled to his discharge upon payment to said court of the amount of such fine or penalty and costs, except as otherwise provided herein. The judge, in imposing any fine or penalty, may add thereto as a part thereof and to be paid therewith the cost of prosecution, whether the ordinance under which the prosecution is being had provides for the adding of such costs as a part of such sentence or judgment.

Commitment.

Persons imprisoned to be entitled to discharge on payment of fine.

Trial by jury, how summoned.

When to advance jury fees, etc.

City penitentiary, etc.

Sec. 20. Any person arrested for violating any ordinance of said city may demand a trial by jury, which shall be summoned in the same manner as is provided by the laws of the State of Michigan for trial of criminal cases before justices of the peace, but no jury shall be demanded in any prosecution for acts committed which are not criminal by the general laws of this state, except upon payment, by the defendant, of the fees provided by law for payment of the jury fees, and for the summoning of a jury; (in civil cases in justice court, and in case of a demand for a trial by jury, some member of the police force of said city shall prepare the list, receive the venire and summon said jury.)

Sec. 21. The Common Council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, jail or police

station where all persons charged with or convicted of offenses or misdemeanors against the Charter, by-laws or ordinances of said city, may be confined and imprisoned until discharged by authority of law; and the said Common Council may regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, or ordinances or orders concerning the good government and regulation of said penitentiary and jail, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Government
and regulation

Prisoners may
be kept at
labor.

Sec. 22. Any person arrested by virtue of any process issuing from any court in said city, or by authority of any officer of said city, may be confined in said penitentiary, jail or police station in the same manner as prisoners are, or may be, detained in the jail of Saginaw county; and any law of this state prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said police station, jail or penitentiary.

City prison,
etc.

General State
laws to apply.

Sec. 23. All persons charged with, or convicted of offenses against the general laws of the state, or for violation of this Act, or of the ordinances passed in pursuance thereof may, by the direction or sentence of the court having jurisdiction of the offence, be confined either in the city jail or station house, or in the county jail of Saginaw county. And when, in the first instance, taken to or confined in said city jail or station, may be removed to the said county jail by direction of said court.

Confinement
of violators of
State law.

Sec. 24. It shall be the duty of the Prosecuting Attorney of the county of Saginaw, or his authorized deputy or assistant, to attend all sessions of said police court, when requested by the Judge so to do, and prosecute all state criminal cases therein, except when actually engaged, as such officer, in the trial of a case in the Circuit Court; and it shall be the duty of the City Attorney, or an assistant authorized by the Common Council, to attend all sessions of said court, and to prosecute all violations of the Charter, by-laws or ordinances therein.

Prosecuting
Attorney to
attend State
cases.

City Attorney
to attend city
cases.

TITLE XV.

JUSTICE COURT.

**One Justice of
the Peace.**

Section 1. There shall be but one Justice of the Peace in and for the City of Saginaw. The said Justice shall have and exercise the same jurisdiction and powers in civil and criminal cases and proceedings, and shall perform the same duties as may be conferred upon or required of Justices of the Peace by the laws of this State, except as otherwise provided in this Act. He shall have such further jurisdiction or powers as are conferred by this Act, and in the absence or inability of the Recorder acting as Police Judge, said Justice of the Peace shall hear and determine all cases pending before said Police Judge, and shall have the same power to issue process and hear and determine cases as said Police Judge. If, for any cause, a vacancy shall occur in the office of said Justice, the Common Council of said city may order a special election to be held for the election of a Justice of said court for the remainder of the term of said Justice, which said election, if ordered, shall be conducted in the same manner as the biennial city elections, and the same notice thereof shall be given as for the biennial city elections.

**Duties and
powers Assist-
ant Police
Judge.**

**Vacancy. how
filled.**

**Jurisdiction
over parties.**

**Exclusive
jurisdiction.**

Sec. 2. Said Justice of the Peace and Recorder as Police Judge shall each have jurisdiction in all civil cases cognizable by a Justice of the Peace where the plaintiffs, or any of them, or the defendants, or any of them, reside in the county of Saginaw, and in such cases shall have exclusive jurisdiction over any cause or proceedings where both parties to the same reside in the City of Saginaw at the time of the commencement of the proceedings or cause. No Justice of the Peace of any township in the County of Saginaw shall have jurisdiction over any civil cause or proceedings where both parties to the proceed-

ings reside in the city of Saginaw at the time of the commencement of said proceedings or cause.

Sec. 3. A plaintiff or plaintiffs, non-residents of the county of Saginaw, shall bring action before the Justice of the Peace or Police Judge of the city of Saginaw, when the defendant or defendants, or either of them, reside in the city of Saginaw. The files, records and dockets of the Justice shall be filed with and kept by the clerk of the Police Court, and all dockets now in possession of the clerk of the Justice Court, and all executions to be issued, shall be issued by the Justice or Police Judge whose term of office first expires and who shall be and remain in office, and such Justice or Police Judge shall have power and authority to issue executions upon judgments rendered by the Police Judge of said city.

How non-residents shall bring action.

Files, etc., where kept.

Executions.

Sec. 4. In cases of examination of offenders by the Justice, for offenses committed against the criminal laws of this state, which are not triable before said Justice, but before the Circuit Court, it shall be lawful for such Justice to cause an order to be entered in the record of such examination appointing, at the request of the Prosecuting Attorney or his assistant, if in the judgment of said Justice it is for the best interest of the public so to do, some competent stenographer to take in shorthand the testimony given upon such examination, which shall be written out in long hand upon the written request of the Prosecuting Attorney, filed in the cause, and the stenographer so employed shall receive such PER DIEM compensation for the time expended by him in taking such testimony, and such price per folio for writing it out in long hand, when requested by the Prosecuting Attorney as aforesaid, as shall be fixed by the Board of Supervisors of Saginaw county, the same to be allowed and paid out of the treasury of said county.

Stenographer.

Compensation

Paid by County.

Sec. 5. Said Justice of the Peace shall have his office in the city hall, and the Common Council of the city of Saginaw shall provide the necessary dockets, books,

Office.

Stationery.

Michigan Reports. blanks, stationery, furniture, fuel and lighting for the use of said Justice. And the Michigan Reports now in the Police Judge's office shall be used in common by the Police Judge and the Justice of the Peace.

Justice of the Peace salary, how paid.

Sec. 6. Said Justice of the Peace shall be entitled to receive from the Treasurer of the City of Saginaw an annual salary of twelve hundred dollars, payable monthly, on the certificate of the Controller, but no such certificate shall be granted by said Controller until the Justice asking for the same has made and filed with him his affidavit, setting forth the number of days he has been in actual attendance at his court room ready for business, during the period for which the certificate is intended to cover, and for such time thus spent in attendance to business only, shall he be allowed in said certificate. The Recorder, acting as Police Judge, and the Justice, shall each have his court room open, and he shall be in attendance to the duties of his office therein from nine o'clock in the morning until twelve o'clock noon, and from half past one o'clock until five o'clock in the afternoon, except on Sundays and legal holidays.

Office hours.

Duty of Police Court Clerk.

Sec. 7. It shall be the duty of the clerk of Police Court to keep a true record of said Justice Court and Police Court, with the assistance of the Justice of the Peace and Police Judge, and enter all judgments on the dockets under the direction of the Justice and Police Judge rendering the same, in the time and manner provided by law, but after such entry, each judgment shall be signed by the Justice or Police Judge by whom it was rendered. The said clerk shall also file and safely keep all books and papers belonging or appertaining to said court, and enter in a book provided for that purpose a list of names of all jurors that set on the trial of cases before the said Justice or Police Judge, with names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered. He shall have power generally to administer oaths

Records, how kept.

Jury list, how kept.

and take affidavits; he shall also fill up processes and blank forms on request, and make all writs returnable to the said Justice or Police Judge in regular rotation; and if upon the adjourned or return day of any cause the Justice or Police Judge issuing the process therein should be absent at the time to which the same was adjourned or made returnable, the Justice and Police Judge, shall have the same jurisdiction to proceed therein as though it had been originally commenced before him, but, the record thereof shall be entered in the docket of the Justice or Police Judge issuing the original process. The said clerk shall also receive all costs, fines and dues of every description which are provided by law, in all proceedings in said Justice Court and Police Court and shall pay the said County Treasurer of Saginaw county weekly, all such fines collected in the state criminal cases, and shall pay to the treasurer of the city of Saginaw weekly, all such fines, cost and dues by him so received, except fines in state criminal cases, and shall take the receipts of the said treasurer therefor. He shall file said receipts with the City Controller of said city, and shall render to said Controller weekly, a report of all business transacted by the Justice of the Peace, including a statement of the receipts and disbursements of his office.

Writs returnable in regular rotation.

Either Judge may preside.

Clerk to receive and account for cost, etc., weekly.

Sec. 8. Before any action or proceeding, except proceedings in garnishment, replevin, attachment or by civil warrant, shall be commenced in any of said courts, there shall be paid to said clerk by the said party bringing the same, the sum of fifty cents as entry fee, and in actions of replevin, attachment, or those begun by civil warrant, there shall be paid, as aforesaid, the sum of one dollar as entry fee, and at or before the trial of any such action or proceeding shall be commenced, the further sum of one and one-half dollars, but in case of non-suit or discontinuance before the commencement of the trial, only the entry fee shall be payable. PROVIDED, That if there be more than two adjournments after the return day of the principal suits or after joining issue in a garnishee case.

Fees, in civil cases, when to be paid.

there shall be an adjournment fee paid by the party procuring said adjournment, of twenty-five cents for each adjournment, before he shall be entitled to such adjournment. Proceedings in garnishment shall be treated as a part of the principal cause, and no additional fee shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such cases a judgment fee of one dollar and one-half shall be paid before such trial shall commence. If any party demand a jury in any civil action in said court, he shall advance the same fees therefor that are or may be provided by the general statutes of the state governing Justice Courts. The money so paid to said clerk, as herein provided, shall be for the use of said city, and shall be held to be in full of all fees in civil actions, including the issuing of executions and satisfaction of judgment. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to the Appellate Court, there shall be paid to the said clerk the fees now or hereafter provided by the general statutes of the state governing the Justice Courts and returns in appeal cases, and to writs of certiorari shall be made in the manner therein provided. In criminal cases the same costs shall be paid, and in the same manner as in proceedings before Justices of the Peace in townships, except that the same shall be paid to the said clerk.

Fees in criminal cases.

Fees in State cases belong to the city.

Sec. 9. The fees of the said Justice of the Peace for services hereafter performed in state criminal cases shall belong to said city of Saginaw, and after being audited by the Board of Supervisors of Saginaw county, shall be paid to the Controller and by him to the Treasurer of said city of Saginaw.

Monthly report in civil and State cases.

Sec. 10. Said clerk shall on the first Monday of each and every month report in writing to the Common Coun-

cil of said city the amount of all costs collected in civil cases and state criminal cases during the preceding month in said courts, and shall at the same time report in writing to the Board of Supervisors of Saginaw county the amount of fines collected by him in state criminal cases during the preceding month in said courts.

Sec. 11. This Act shall in no way affect the fees to which Justice of the Peace or Police Judge may be entitled, on the performance of marriage ceremonies, taking acknowledgments and administering oaths in matters not connected with any litigation in said courts, nor shall it affect the fees to which sheriffs or constables are entitled, or the present method of paying them. Not to affect certain fees.

Sec. 12. The service of all writs under this Act shall be made in the manner prescribed by the general laws of this state: PROVIDED, That for the service of original writs within said city, no constable or deputy sheriff shall be allowed to charge or demand more than fifty cents as fees for such service. Service and fee for Constable.

Sec. 13. The Circuit Court for the county of Saginaw may prescribe the (rules) rule to govern the practice in the said Justice Courts, not inconsistent with the laws of this state. Circuit Court may prescribe rules.

Any Justice of the Peace of said city may be removed from his said office by the Circuit Court for the county of Saginaw, for the refusal or neglect to pay over, as required by law, any moneys by him collected for or on account of any fine, penalty, forfeiture or costs; for the unfaithful or inefficient performance of his duties, or for any official misconduct, upon charges specifically preferred against him by the Mayor or Common Council, or by any three electors of said city. Impeachment of Justice.

Said charges, upon being duly verified by oath, shall be filed in said Circuit Court, and a copy thereof served personally upon said Justice of the Peace against whom the same are preferred, at least ten days before he is required to be tried thereon and opportunity shall be given

him to be heard in his defense; and said court shall have power to make all necessary orders to issue a fair but summary trial thereof, and upon conviction, to enter the proper judgment for suspension or removal from his said office of the said Justice so convicted.

Transfer of cases.

Sec. 14. The defendant in any cause begun before either of said Justice or Police Judge may have the trial of the case, whether the same be civil or criminal, transferred from the Justice or Police Judge who issued the process by which said suit was begun to the other Justice or Police Judge by filing with the clerk of said court an affidavit that the defendant has good cause to believe and does believe that the said Justice or Police Judge who issued such process entertains such a prejudice against said defendant that defendant verily believes that he cannot obtain a fair and impartial trial before the Justice or Police Judge that issued such process, at any time before the trial of the case has actually begun; and upon the filing of such affidavit, the Justice or Police Judge who issued such process shall have no further jurisdiction in said cause, but all further proceedings in said cause shall be conducted by such other Justice or Police Judge, in the same form and manner as if such other Justice or Police Judge had issued the original process in said cause.

When and how.

Present clerks to hold over.

Sec. 15. The clerks of the Justice and Police Courts now holding office under the Charter of the city of Saginaw of eighteen hundred and eighty-nine, shall be and remain in and hold their respective offices, and perform the same duties as required under the Charter of the city of Saginaw of eighteen hundred and ninety-five, until the third regular meeting of the Common Council after the annual city election in the year eighteen hundred and ninety-eight, at which time there shall be elected by the Common Council of the city of Saginaw, upon the nomination of the Police Judge and Justice of the Peace, a clerk to act for both Justice and Police Courts; said clerk to be known as Police Clerk.

Nomination and election of Police Clerk.

TITLE XVI.

APPROPRIATION OF PRIVATE PROPERTY.

Section 1. The Common Council of the city of Saginaw is hereby authorized to open, extend, widen or straighten streets and alleys in said city for the public use and benefit, and to take private property therefor, or for any other public purpose, within the limitation of the state constitution: PROVIDED, It is for the use and benefit of the public and institute and prosecute proceedings for the purpose, in accordance with the provisions of this Act.

Sec. 2. Whenever the Common Council of the city of Saginaw shall deem it necessary, for the use and benefit of the public, to make any such improvement, and to take private property thereof, said Common Council shall, by resolution, so declare and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate, which in the opinion of said Common Council, will be benefited by such improvement. And private property may be taken for such purposes in the manner provided in this chapter, or by the general laws of this state. Said resolution shall direct the City Attorney to institute proceedings in the Recorder's Court in said city to carry out the objects of such resolution, but the Common Council may negotiate with the owner or owners thereof, or any interest therein, for the purchase or conveyance of the same to the city of Saginaw for the public uses prescribed in said resolution; and in case such negotiations shall result in the purchase of such private property by the city, for the public uses described in said resolution, it shall be lawful for the Common Council to determine by any entry in their proceedings that the whole or a just proportion of such purchase price shall be assessed upon the owners or occu-

Council
authorized to
open streets.

Council to
declare
necessary by
resolution.

Description of
property and
taxing
district.

City Attorney
to institute
proceedings in
Recorder's
Court.

Council may
purchase.

Council may
determine
assessment,
how made.

pants of real estate situated in the assessing district fixed by said resolution, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings as is provided by title VI of this charter, for assessing, levying and collecting the expenses of other public improvements by special assessment.

**City Attorney
to file petition
in Recorder's
Court.**

Sec. 3. Upon the passage by the Common Council, of such resolution, it shall be the duty of the City Attorney to prepare and file in the name of the city, in the Recorder's Court of said city, a petition signed in the name of the city by the City Attorney in his official capacity, which shall allege the passage of, and have annexed thereto, a certified copy of said resolution; shall

**Description of
land.**

**Contents of
petition.**

describe all the lots, tracts and parcels of private property proposed to be taken, and set forth the names of the owners of such lots, tracts and parcels respectively, as far as the same can be ascertained from the records in the office of the Register of Deeds of Saginaw county, and shall allege that it is necessary to take such property for the public use and benefit, and pray that a jury may be empaneled to determine whether it is necessary to make such an improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor. The petition may pray for any other or further relief deemed necessary within the objects of this Act.

**Expenses,
how paid.**

Sec. 4. All the expenses of the proceedings in opening, extending, widening or straightening streets and alleys, shall be paid by the city, and raised by a general tax, to be levied and collected according to the provisions of the Charter of the city.

**Clerk to issue
summons.**

Sec. 5. Upon filing said petition, it shall be the duty of the clerk of said court, upon request in writing, of the City Attorney, to issue a summons against the respondents named in the petition, commanding them, in the name of the people of the State of Michigan, to appear

before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Notice of the pendency of said proceedings shall be filed in the office of the Register of Deeds for Saginaw county, which shall be entered by said Register in the same manner as other lis pendens are required to be entered, and thereafter no change of ownership of the real estate sought to be taken under the said proceedings, shall in any manner affect the same, but they may be carried on and perfected as though no such conveyance or transfer had been made.

Notice of pendency of proceedings to be filed with Register of Deeds.

Sec.6. Said summons shall be served by the marshal, captain of police or sergeant of the city, at least five days before the return day thereof, upon all the respondents found within the county of Saginaw, by exhibiting the original and delivering a copy to each of them. If it shall appear on the return day of the summons that any respondent cannot be found in the county, and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served upon such respondents wherever found, if practicable, at least six days before the time named in the order for appearance; or the court may make such order for appearance, and require, as to any or all such respondents who shall not have been served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in the official newspaper of said city. Alias and pluries summons may be issued, and the court may adjourn the proceedings from time to time, as there

Service of summons.

As to non-residents.

By publishing when.

Alias and pluries summons.

shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them.

Jury to be empaneled.

Sec. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be selected and empaneled as hereinafter provided.

Jury, how selected.

Sec. 8. On the first Tuesday of June in each year, between the hours of nine and twelve o'clock in the forenoon, the Assessor of the city of Saginaw, the clerk of said court and the Marshal of said city shall meet together in the office of said Assessor in said city, and shall then proceed, in public, to select from the last annual assessment roll of said city, (which roll the custodian shall produce before them) a list of one hundred persons to serve as jurors in said court, the persons so selected to be qualified

Qualifications.

electors, of fair character, of sound mind, free holders in said city of Saginaw and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said Assessor, Clerk and Marshal, if they all be present, and assist in the making thereof: PROVIDED, That any two of them shall be authorized to select such list and sign the same in the absence of the third, and PROVIDED, FURTHER, That if said list is not selected within the time above limited, or if, for any reason, a legal list shall not have been made, the Judge of said Court may, by his order, entered of record in said court, command the said Assessor, Clerk and Marshal to proceed forthwith to select said list and sign and file the same. When the list is signed, as aforesaid, it shall be filed by the officers signing the same in the office of the clerk of said court, and the said Assessor or the said clerk shall file with said list an affidavit that it has been drawn in accordance with the foregoing provisions. The per-

List to be signed.

sons whose names are set forth in said list, shall be liable ^{Terms of service.} to serve as jurors in said court for one year, or until a new list is selected. The practice and proceedings, except as provided in this section, relative to drawing, summoning, exempting and excusing jurors and talesmen, ^{Practice the same as in Circuit Court.} and imposing penalties on them for non-attendance, shall be the same as in the Circuit Courts of this state relative to petit jurors: PROVIDED, FURTHER, That the Judge of said court shall have power to order the drawing of more than twenty-four jurors when he shall deem it necessary, not to exceed fifty jurors at any term. All talesmen who ^{Talesmen.} may be directed by the said Judge to be summoned for the term, shall be drawn from the jury box in the same manner as the original panel. Every person who shall, directly or indirectly, ask to be placed upon said list, shall ^{Disqualification.} thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period.

Sec. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names ^{Names placed in jury box.} of the persons thus selected on separate strips of paper, of the same size and appearance, as near as may be; shall fold up each of said strips of paper in the same manner, so as to conceal the name thereon, and deposit the same in a box to be called and labeled "Street Opening Jury Box."

Sec. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn, and the time they shall be summoned to attend. It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the Judge of said court and to the Marshal, of the day and hour when such drawing shall take place. At the time so appointed, it shall be the duty of said Judge, and of the Marshal, or some ^{Jury, how drawn.} ^{Time of drawing.}

policeman of said city, to attend at the clerk's office and witness said drawing of jurors, and if neither said Judge, Marshal or policeman be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said Judge and Marshal. If at the time first appointed for such drawing, or at the adjourned time thereof, either said Judge, Marshal or policeman shall be present, the clerk shall proceed to draw from said box, publicly and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name of every strip of paper drawn, before any other such strip be drawn. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a VENIRE FACIAS and deliver the same to the Marshal of said city, which shall command him or any policeman of said city to summon the persons named therein to be and appear in said court at the terms thereof, for which they were drawn to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may impose. Said VENIRE FACIAS shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified. All talesmen who may be directed by the said Judge to be summoned for the term, shall be drawn from the jury box in the same manner as the original panel. In empaneling a jury, the practice and proceedings relative to empaneling, exempting and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the Circuit Courts of this state relative to petit

**Venire to be
issued.**

**Venire,
when and
how served.**

**Talesmen,
how drawn.**

jurors. Whenever there shall not be qualified jurors enough present to form a panel in any case, the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said Circuit Courts. If any juror after being sworn shall die, or for any other cause ^{Vacancy, how filled.} become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and taken in place upon the jury.

Sec. 11. Every juror empaneled in any cause shall be sworn as follows:

“You do solemnly swear (or affirm) that in the mat- ^{Oath to juror.} ter of.....that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolved upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God.”

They shall hear the proof and allegations of the ^{Jury to hear} parties and the arguments of counsel, and if so ordered ^{proofs, etc.} by the court shall go to the place of the intended im- ^{Jury to visit} provement in charge of an officer, and upon, or near as ^{place of im-} practicable, to any property proposed to be taken, and ^{provement,} examine the premises. They shall be instructed as to ^{Instructions.} their duties and the law of the case by the court, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of any ordinary civil case: PROVIDED, That the court in its discretion may permit the jury to leave the jury room a sufficient length of time to obtain their meals and sleep at their respective homes.

Sec. 12. The jury shall determine in their verdict ^{Verdict,} the public necessity for the proposed improvement, and ^{what to} contain.

Compensation, how awarded.

Building and personal property.

When damages to executor.

for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem just. If any such private property taken shall be subject to a valid mortgage, lease or agreement, and the taking thereof for such purpose will impair such security, lease or agreement, the jury shall apportion and award to the owner of said mortgage, leasee or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings or other personal property situated on the land taken, the jury may, at the request of the owner allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or if he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same.

Court may allow jury to take petition, etc.

Blank verdict.

Sec. 13. To assist the jury in arriving at the verdict, the court may allow the jury, when they retire, to take with them the petition filed in the case and maps showing the proposed improvement, and the location of each and all the parcels of property to be taken with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows :

PART I.

We, the undersigned jury, empaneled in the above matter, and having given the same due consideration, do hereby find and determine that it is necessary to..... said.....as proposed, for the public use and benefit as a public..... and that for said use and benefit and purpose, it is necessary to take the private property described in the petition in this cause, which said property is hereinafter also described.

PART II.

And the damages sustained, and the just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows :

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and Damages.

The different descriptions of property and the names of the owners and others interested therein, may be inserted in said blank verdict under the direction of the court before it is submitted to the jury.

Sec. 14. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in the Circuit Courts of this state, and amendments, either in form or substance, of the petition, process and proceedings, may be allowed, when they will not interfere with the substantial rights of the parties. And if, by such amendment, new parties to the proceedings are added, a new summons may be issued to bring in such additional parties, and when any such further summons is issued, the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury the verdict, for the purpose of correcting all errors therein contained. Rules of practice of the Recorder's Court shall be followed, as near as may be, in all proceedings under this act.

Verdict, how set aside.

Amendment allowed.

New summons to additional parties.

Correction of errors.

Rules of practice.

When motion
for new trial
to be made.

Sec. 15. Motions for a new trial, or to arrest proceedings, shall be made within two days after the rendition of verdict, unless further time is allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the Supreme Court, shall be final and conclusive as to all persons interested therein. But the city may within three months thereafter cause said proceedings to be discontinued and abandoned, as hereinafter provided.

Confirmation
of verdict.

City may
abandon.

Notice of ap-
peal, when
filed.

Sec. 16. Any person whose property may be taken under the provision of this Act, considered himself aggrieved, may appeal from the judgment of the court, confirming the verdict of the jury, by filing in writing with the clerk of said court, a notice of such appeal, within five days after the confirmation, and serving, within the same time, a copy thereof on the City Attorney, and filing a bond in said court, to be approved by the Judge thereof, conditioned for the prosecution of said appeal and the payment of all costs, damages and expenses that may be awarded against him in case the judgment and confirmation of the court shall be affirmed.

Copy to City
Attorney.

Bond.

Duties of
Judge and
Clerk in case
of appeal.

Sec. 17. In case of appeals, as above, it shall be the duty of the clerk of the court, without delay, to transmit to the Supreme Court a certified copy of all the files, records and proceedings in the case. And it shall be the duty of the Judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objections, rulings and exceptions concerning the same, and the instructions of the court to the jury, with the exceptions thereto, and the same shall be returned to the clerk as part of the record in the case.

When appeal
to be heard in
Supreme
Court.

Sec. 18. The said appeal may be brought on for hearing at any term of the Supreme Court, and said court may affirm or reverse the proceedings and may grant a new trial. The said court shall allow the pre-

vailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city, may be applied on or deducted from the compensation (if any) to be paid to the appellant.

Sec. 19. Whenever the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the Supreme Court, affirming the judgment and confirmation, it shall be the duty of the clerk of the court below to transmit to the Common Council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the order, if any, allowing and taxing the costs and expenses. The Common Council may, upon the receipt of said report from the clerk, and at any time within three months thereafter, direct the City Attorney to abandon and discontinue said proceedings. In case the City Attorney shall apply for the discontinuance or abandonment of the said proceedings, the court shall ascertain and determine the reasonable and necessary expenses incurred by each person who has appeared in said proceedings, not exceeding the taxable costs allowed in cases at law in the Circuit Court of the county, and the same shall be paid to such persons by the city. If the proceedings in such cause shall be discontinued and abandoned by the city, no new proceedings shall be begun or had for opening, extending, widening or straightening such street, or alley, or for taking private property for any other purposes authorized under this Act, and which proceedings shall be practically the same as those so abandoned within one year after the same shall be so abandoned and discontinued. If said proceedings shall not be so abandoned and discontinued by the city within the time above limited, proceedings shall thereupon be taken for the collection of the sum or sums awarded by the jury. And thereupon the Common Council may, by an entry in its minutes, determine that the whole or any just proportion of the compensation awarded to owners of real estate

Costs to be taxed.

Clerk to transmit verdict to Council when confirmed.

Council may discontinue proceedings.

Cost.

No new proceedings within one year.

Proceedings for collection of sums awarded by jury.

by the jury, specifying the amount thereof, shall be assessed upon the owners or occupants of the real estate included within the assessment district, theretofore fixed and designated by said Common Council, as provided in section two of this title. Such assessment to be made upon the said owners or occupants of said real estate in proportion, as near as may be, to the advantage which each lot, parcel or sub-division is deemed to acquire by the improvement. The assessment roll containing said assessment, when ratified and confirmed by the Common Council, shall be final and conclusive, and PRIMA FACIE evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same are made, until payment thereof. Whatever amount or portion of such award, or of the compensation paid for such real estate purchased, shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable property of the taxing district in which the street or alley is situated, the same as other general taxes are assessed and collected in said city.

**Treasurer to
tender
payment.**

Sec. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation, shall, on appeal, be affirmed, the Common Council shall, unless said proceedings have been abandoned and discontinued as herein provided, cause the City Treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed. PROVIDED, That no such claim shall be assignable to any person, and where any lands of any person to whom damages and compensation has been awarded for an interest in lands taken by the city under such proceedings, or of any person acquiring title under such person subsequent to the filing of the notice of pendency of said proceedings, as herein provided for, shall be assessed to pay any portion of such compensation, the City Treasurer shall in all cases deduct from the sums awarded to any such person

the sums so assessed against the property of said owner or other person interested respectively, notwithstanding any attempted transfer of such claim or of the property sought to be taken, or of the property so assessed for benefits; and in case any person shall refuse the same, be unknown, or a non-resident of said city, or cannot, with reasonable diligence be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the Common Council may deposit the amount awarded in such case in the city treasury, and shall on demand, pay the same over to any person entitled and competent to receive it, taking receipt therefor, upon such tender, payment or deposit, the Common Council may enter upon, take possession of and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. The Treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender or deposit, and shall file the same with the clerk of the Recorder's Court, and it shall be PRIMA FACIE evidence of the facts therein stated.

When damages to be deposited.

Council to take possession.

Certificate of Treasurer.

Sec. 21. All buildings, fences and other personal property taken by such proceedings in street opening cases, except that removed by the owner, as otherwise provided, shall be sold at auction by the City Treasurer. Due publication of such sales shall be made in at least two daily newspapers of said city, for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. The amount produced by the sale shall belong to the fund for paying the compensation for property taken, and the Common Council shall cause such amount to be credited and applied in reduction PRO RATA of the assessment and apportionment made to pay for the property taken.

Buildings, etc., sold at auction.

Notice of sales.

Proceeds of sale.

Sec. 22. Jurors and witnesses in any proceedings under this Act, shall be entitled to receive from the city the same fees and compensation as are provided by law

Fees of juror and witnesses.

for similar service in an ordinary action at law in the Circuit Courts of the state.

**Council may
appeal.**

Sec. 23. The Common Council may direct the City Attorney to move for a new trial, or to arrest, vacate or discontinue the proceedings, or take an appeal to the Supreme Court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

**Property to be
surveyed be-
fore trial.**

Sec. 24. Before the trial in any proceeding under this Act, the Common Council shall cause the property to be taken, to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, certified to be correct by the City Surveyor or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The Common

**Map to be a
part of peti-
tion.**

**Council may
advance sum
awarded less
assessment.**

Council in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to the owners or occupants of, or others interested in the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits made against the property of said owners and others interested respectively. At any sale under this Act of the property assessed, the City Attorney, or in his absence, the City Treasurer shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

**City may bid
on lots.**

**Evidence of
ownership.**

Sec. 25. It shall be PRIMA FACIE evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the Register or Deputy Register of Deeds of the county shall testify in open court that he has ex-

amined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest, and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the Register or Deputy Register of Deeds, shall also be PRIMA FACIE evidence as to ownership and persons having an interest in any such property, and the extent and nature of such interest.

TITLE XVII.

MISCELLANEOUS.

**Sureties on
official bonds.**

Section 1. The Common Council, Mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties upon an official bond, shall require such sureties to make and attach to such bond an affidavit stating the amount and value of the property over and above debts and exemptions, owned within this state by such surety, and surety companies authorized to do business in the State of Michigan, may become surety on any bond.

**Affidavit
required.**

**Surety
companies
may.**

**Power to
administer
oaths.**

Sec. 2. The Mayor or chairman of any committee or special committee of the Common Council, shall have power to administer any oath or take any affidavit, in respect to any matter pending before the Common Council or such committee.

Perjury.

Sec. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this Act, who shall, under such oath or affirmation, in any statement or affidavit or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

**Council to ap-
prove plats.**

Sec. 4. No plat of land within the limits of the City of Saginaw, executed as a sub-division thereof or addition to said city, for the purpose of being recorded in the office of the Register of Deeds, shall be entitled to record without the approval of the Common Council, and a certificate that it has been so approved, endorsed thereon by the City Clerk under the corporate seal of said city.

**Certificate of
Clerk.**

Any person who shall record or offer for record any such plat, without a certificate of the clerk endorsed thereon as above provided, or who shall sell, or offer for

sale, any lot, by reference to such plat, before the same has been approved by the Common Council as above provided, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding ^{Penalty.} one hundred dollars, or imprisonment in the county jail of Saginaw County not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

Sec. 5. All proceedings to raise, assess, levy or collect taxes, either general or special now pending, and ^{Pending proceedings.} generally all municipal business of every description, shall be carried forward and completed under the provisions hereof when practicable, but if not practicable to do so, may be carried forward and completed pursuant to the provisions of this Charter, or laws under which the same were first authorized or instituted.

Sec. 6. Proof of the requisite publication of any ordinance, resolution or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the Clerk of said city, or any other competent proof shall in all courts and places, be presumptive evidence of the legal publication of such ordinance, resolution or other proceeding. ^{Proof of publication.}

Sec. 7. The style of all ordinances of said city shall be as follows: "Be it ordained by the Common Council of the City of Saginaw." ^{Style of ordinances.}

Sec. 8. The Common Council shall not grant any special franchise, on any of the streets of said city, until the same has been advertised for sealed proposals, nor for a longer term than thirty years, nor grant exclusive privileges to the use of the streets or public grounds of said city. And the Common Council shall have power to prescribe rates of specific taxation for all franchises or ^{Special franchises.} ^{Rate of taxation for.} privileges granted by said Common Council, and the manner of collection of such specific taxes.

**Council may
remit taxes.**

Sec. 9. The Common Council shall have power, whenever it shall appear that any taxes or assessments have been improperly or illegally made, assessed or collected, by a two-thirds vote of all the members elected, to cause such assessment or tax to be remitted or refunded, but no such action on the part of the Council shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in said city.

**Other taxes
not invalid-
dated.**

Fiscal year.

**Annual
reports.**

Proviso.

**Temporary
loan
authorized.**

**Approval of
Board of
Estimates.**

Page 66.

Sec. 10. The fiscal year of said city shall commence on the first day of July of each year, and all annual reports required by this Act to be made, shall include all transactions of said city up to and including the last day of June in each year. PROVIDED, That the fiscal year eighteen hundred ninety-seven shall extend from the first day of March, eighteen hundred ninety-seven, to the last day of June, eighteen hundred ninety-eight, inclusive, covering a period of sixteen months, and to provide sufficient funds to carry such change into effect, the Common Council is hereby authorized at any time during the fiscal year eighteen hundred ninety-seven to borrow money upon a temporary loan, not exceeding in all the sum of fifty thousand dollars, when approved by the Board of Estimates, in addition to the amount of money raised by tax for the fiscal year of eighteen hundred ninety-seven, to defray the general ordinary expenses of said city, including the expenses incidental to the operation of the police department, fire department and poor department of said city for the fiscal year of eighteen hundred ninety-seven. Said loan to be in such amounts and payable at such times as the Common Council may by resolution direct, the interest upon said loan not to exceed six per cent. The money to be raised as provided for in this section shall not in any way be affected or limited by section eighteen of title five of this act.

**Printed copies
of charter and
ordinances.**

Sec. 11. The Common Council of said city shall, and as often as they shall deem expedient, cause all the acts and parts of acts of incorporation of said city that may be in force including such general laws as they

may deem necessary for the use of the Mayor, Aldermen or other officers thereof, together with all ordinances of said city, revised and corrected so as to conform to the provisions of said acts and properly arranged and indexed, to be published in book form and properly certified to by the clerk thereof, and when so compiled and published, the same shall be considered the official copy of all said acts and ordinances. Each officer of said city shall be entitled to use a copy by virtue of his office, and the Council may authorize the sale of copies thereof to re-imburse the city for the expense of compiling and publishing of the same.

Officials entitled to copy.

May be sold.

Sec. 12. Each ward shall be an election district by itself, but it shall be lawful for the Common Council, in its discretion, at any time after January first, A. D. nineteen hundred three, preceding any general or municipal election, to divide the several wards of the city, or either of them, in the manner now or hereafter provided by the general statutes of the State, into convenient election districts, for holding elections, and in case of such division, the provision of the general laws of this State, now or hereafter in force, so far as applicable, and of this Act, relating to elections, shall be applicable to such election districts. The Board of Registration in each ward and election district shall consist of two persons who are not both members of the same political party, to be constituted as hereinafter provided. The Common Council shall, at least thirty days prior to any general or municipal election, appoint such a number of the electors of each ward to act with the Aldermen, if any, who are eligible and intend to serve, as shall constitute a board of two in each election district, and in each ward which is not divided into election districts. At the hour appointed for said Board of Registration to meet, the electors of any ward or election district present at the place of registration may elect, viva voce, an elector of said ward to fill any vacancy on said board, caused by the absence of any member of said board: Provided, always, That the members shall belong to different political

Election Districts.

Board of Registration.

Thirty days prior to election Inspectors appointed.

Alderman one, if serving.

Council appoint electors to fill Board.

Elector to
vote where.
Inspector of
election may
vote where
acting.

parties. Every elector shall vote in the ward and district in which he resides, except that an inspector of election in any district may vote in any district where he is acting as inspector.

Re-registra-
tion every
four years.

Sec. 13. The Common Council of said city shall cause a session of the Board of Registration of each ward or election district of said city to be held on the first Monday in October, in the year nineteen hundred and four, and on the first Monday in October in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each ward or election district in said city, and for such purpose, the Alderman of each ward and an elector, or electors thereof to be appointed, as provided by the preceding section, shall constitute the Board of Registration of such ward, and in case any of the wards shall be divided into election districts, the Common Council may appoint the necessary number of electors of said ward to act as a Board of Registration for any election district which would otherwise be without such board. Said board shall cause a like notice of such meeting and registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period as is required by section two of Act number one hundred seventy-seven of the session laws of eighteen hundred fifty-nine, entitled, "An Act further to preserve the purity of elections and guard against the abuses of the elective franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, being paragraph eighty-five of Howell's Annotated Statutes and the Acts amendatory thereof.

Notice of re-
registration.

Time of ses-
sion of Board.

The said several ward or district boards shall be in session on the first Monday in October as aforesaid, and as may be determined by the Common Council, for not less than two nor more than five of the next succeeding days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from four o'clock to eight o'clock in the afternoon, and shall be provided with suit-

Hours of
session.

able records for registering the names of voters, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the Act aforesaid, and the same rules and requirements shall be observed in such registration, in all respects, as were required in the original registration under said Act, except, however, as said powers, duties, rules and requirements are changed by this Act. When such registration shall be completed, the former registry of electors in such ward or district shall henceforth be deemed invalid and shall not be used at the ensuing elections. No person shall vote at any public election in such wards or districts, and after such re-registration, whose name shall not be registered anew under the provisions of this section, or be afterwards properly entered on such new register according to the provisions of the Act aforesaid or of this Act.

Powers and rules.

Former registry to be void.

No person can vote unless registered

Sec. 14. At the session of the Board of Registration in the several wards or election districts, except a year in which a new registration has been made, they shall review and complete the list of qualified voters, as provided by law, and in order to prevent, so far as possible, the blotting, mutilation or disfigurement of said registration of electors, it is enacted that no name shall be entered in such registers, excepting in the handwriting of one of the Board of Registration, and then only by direction of the proper board during its session, and no member of said (board) shall write or make an entry in said register, excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein, excepting inspectors of election, as provided by this Act: PROVIDED, That any elector desiring to enter his name in his own handwriting may do so, if the board shall have decided that such elector is entitled to be registered, but when any person shall have ceased to be an elector of any ward or election district, the Board of Registration for such ward or district at its session may note the fact in red ink across the name of such elector, in addition to the marks provided to be set opposite his

Registration list to be completed.

Names to be entered only by Board and during sessions.

Proviso.

Personal application.

name by law. No name shall be entered in said register, excepting upon the personal application of an elector, who shall appear at the place of registration, desiring his name to be registered, and upon due examination made, as required by law. The name of no person but an actual resident of the ward or district at the time of the registration, and entitled to remain such resident, to vote at the then next general or charter election, shall be entered in the register. The Board of Registration in each ward and district, shall require each applicant for registration to state whether he has previously been registered in, or resided in any other ward or district. Each board shall make a separate list of the new registrations made at their then session, particularly specifying in such lists those who have previously resided, or been registered in any other ward or district, noting the previous place of residence of such person, and shall deliver such separate list to the city Board of Registration, at its session hereafter provided to be held.

Record of former residence on separate list to be delivered to city Board of Registration.

City Board of Registration, how composed, when and where to meet.

Sec. 15. The Board of Registration, which shall be composed of the members of the Boards of Registration assigned to the several wards and election districts of the city shall, in the year in which a re-registration shall be held, assemble at the Common Council chamber on the Monday preceding any election to be held in said city, excepting special elections, held for the election of ward officers, at nine o'clock in the forenoon. On the

Organization.

organization of said city board, by appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city; said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district, excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or dis-

May revise list.

Board to ascertain proper ward, etc.

trict the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote; said board may register any person applying to be registered in the ward or district in which such person is entitled to vote; said board may register any person applying to be registered in the register of the district or ward in which said applicant resides: May register persons applying. PROVIDED, Said board shall require such applicant to state positively, on oath or affirmation, which oath or affirmation any member of such board may administer, Statement of applicant under oath. to answer to such questions as shall be asked him, touching his right to be registered by said board, that he has resided in such ward or district at least (twenty) days preceding the session of said city board, designating particularly the place of his residence, and that he possesses the other qualifications of an elector under the constitution, stating such qualifications; and that owing to the sickness or bodily infirmity of himself, or some near relative residing in the same household (giving the name of such relative) or owing to his absence from the city on public or official business, or on his own business, and without intent to avoid or delay his registration during the then last session of the Board of Registration in the ward or district in which he resides, he has been prevented from causing his name to be previously registered, or that he was not registered in the ward or district of his then residence, during the then last session of the board therein, because of his not having resided in such ward or district (twenty) days prior to the conclusion of the said session of said board and that he moved into the said ward or district (stating the time he so moved) and has continued since to reside therein, with intent to become a resident thereof, and if, furthermore, some qualified elector of said city, and not a candidate for office at the then approaching election, shall take an oath before said board, which oath any member of said board may administer, that he has in fact resided in said ward or district at least (twenty) days prior to Proof of facts by qualified voter.

the then session of said city board, and that he has good reason to believe, and does believe, that all the statements of such applicant are true. Said board may question such applicant or qualified elector as they may think proper, in order that they may be satisfied of the truth of such statement. If they shall deem such applicant a qualified elector of such ward or district, and entitled to be registered, they shall direct the chairman of the board to register the name of the applicant, with the date of registration, and his place of residence, in the register of the ward or district in which he is entitled to vote. Said board may employ an interpreter in case either said applicant or qualified elector shall be unable to speak the English language, who shall be sworn by one of said board to truly interpret the oath to said applicant and elector, and to interpret to them said questions and the answers made thereto to said board. If such applicant, or such qualified elector, shall in such manner willfully make any false statement, or if said interpreter shall willfully and falsely mis-state such oath, questions or answers, he shall be deemed guilty of perjury, and on conviction be subject to the pains and penalties thereof. No name shall be added to any of said registers by said City Board of Registration, or entries made therein by said board, unless at least one member of the board assigned to the ward or district in the register of which said name is added or entry made shall be present.

Interpreter.

Penalty for false statement.

Presence of member from district required.

Registration on day of election.

Sec. 16. When any person shall apply to the inspectors of any election, excepting special elections for ward officers, who has not been registered by said inspectors, alleging that he was absent during the last session of the board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, in addition to the statement required by section fourteen, of said act number one hundred and seventy-seven, approved February fourteen, eighteen hundred and fifty-nine, that he was absent from the city during said session, and dur-

ing the session of the City Board of Registration on the Monday preceding such election.

Sec. 17. When the Common Council shall order a special election to be held in any of the wards of said city for the election of ward officers, said Council, by resolution, shall direct the City Clerk to notify the Board of Registration that last held its session in said ward, to review and complete the list of qualified electors of said ward, on a day and at a place to be named in said resolution. Notice of the time and place of such session of said board shall be published in the official paper of the city, for at least four consecutive days prior to such session. It shall not be necessary to insert in such notice the names of the registered electors, or post hand-bills containing the same, as in case of general or Charter elections. The provisions of the aforesaid Act number one hundred and seventy-seven, and of this Act, or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof and all other persons, in reviewing and completing the register of electors at such session; and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session, as if the same were here enacted. In case there shall be any vacancy in the then board for such ward or district, the same shall be filled as provided by law.

Special ward election.

Notice of time and place in official paper.

No printed lists of electors necessary to be posted.

Regulations.

Vacancy in Board, how filled.

Sec. 18. All punishment for offenses against the ordinances of the Common Council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed one hundred dollars, no fine shall exceed one hundred dollars, and no imprisonment shall exceed the period of ninety days.

Penalties for violation of ordinances.

Sec. 19. The newspaper published in the said City of Saginaw which shall be designated by the Common Council to publish the official proceedings of said Common Council shall be the official paper of said city during the time in which it shall continue by order of said Council.

Official newspaper designated by Council.

Proviso.

cil, to publish such proceedings: Provided, That the compensation paid for printing shall not exceed the following prices, viz.: Proceedings Common Council, and all boards, eighty cents per thousand ems printer's measure.

Slips as follows:

Common Council proceedings—Two hundred copies, five dollars per meeting.

Board of Public Works—One hundred twenty-five copies, three dollars per meeting.

Board of Estimates proceedings—Two hundred copies, two dollars per meeting.

Board of Health—Fifty Copies, one dollar and fifty cents per meeting.

Board of Police Commissioners—Fifty copies, one dollars and fifty cents per meeting.

All to be paged and ready for binding, including three copies on extra heavy paper for official record. Slips of ordinances, contracts, etc., at one dollar per hundred; legal and other notices seventy cents per folio for first insertion, thirty-five cents per folio for subsequent insertions. This does not include notices which on the order of any city official are to be published among pure matter in regular reading columns.

**Copies of
paper to be
delivered to
city officers.**

**When paper
may publish
in next issue.**

Proviso.

Copies of paper delivered to Mayor, Controller, Clerk, Treasurer, City Engineer, City Attorney, and City Assessor, Police Judge and Justice of the Peace, shall not be charged for at a price exceeding the annual subscription rate. When the proceedings of the Common Council or any one of the boards mentioned above at any one meeting shall exceed in length six columns of twenty inches in length, the publishers of the paper shall be allowed to publish the amount in excess of six columns in the next succeeding issue: And Provided further, That the said Common Council proceedings or a synopsis thereof, shall not at public expense be ordered published in other than the official paper.

Sec. 20. The Union School District of the City of Union School District of Saginaw shall continue as now organized, and shall retain in all respects its powers, property, system of officers and mode of elections, and shall bear and pay its indebtedness and expenses in the same manner, as prior to the passage of this Act: PROVIDED, That the statements of the sums voted by the Board of Trustees of said district, or by the electors of said district at any district meeting or meetings, shall be transmitted by the secretary of said board to the Board of Estimates of said city on or before the first Monday in May of each year, and it shall be the duty of the Assessor to apportion and assess so much of the sum or sums so voted to be raised as may be approved by the Board of Estimates and certified to him from the Common Council upon the taxable property in the western taxing district of said city, according to the valuation of the taxable property therein in the first general tax roll thereafter made. The assessment for such tax shall be in a separate column in said tax roll, and the same shall be collected at the same time and shall be and remain a lien on the property on which the same is levied; and the Treasurer of said city shall have the same authority and may resort to the same mode of proceedings, by virtue of said roll and the warrant annexed thereto, to collect the same as the other taxes therein contained.

Union School District of Saginaw discontinued.

Estimates of trustees, etc., submitted to Board of Estimates.

Assessor to spread certified amount.

Tax a lien.

Collection.

Sec. 21. The amounts authorized to be raised by tax for school purposes by the Board of Education of the city of Saginaw, east side, as at present constituted, shall be transmitted by the secretary of said board to the Board of Estimates of said city on or before the first Monday in May of each year, and it shall be the duty of the Assessor to apportion so much of the sum or sums so authorized to be raised, as may be approved by the Board of Estimates and certified to him from the Common Council, and he shall assess the same in the manner required by this Charter upon the nine wards constituting the eastern taxing district thereof, and the same proceedings shall be taken for the assessment and collection

Board of Education, east side.

Estimates to be submitted to Board of Estimates.

Assessor to spread certified amount.

School fund. of all the taxes spread for such school purposes, as herein provided for the assessment, and collection of the general city tax proper, and when collected the same shall be paid into a separate fund, to be denominated the "School Fund of the Eastern Taxing District," and the same shall be held by the Treasurer, subject exclusively to the order of said Board of Education.

Court House bonds, how paid. Sec. 22. The said consolidated city of Saginaw shall assume and shall pay by general taxation upon the whole city, the bonds heretofore issued by the former city of Saginaw, for the purpose of constructing or aiding in the construction of the Saginaw County Court House, and such bonds are hereby made a charge upon the said consolidated city, with the same force and effect as if the same had been issued by said city, and payment thereof shall be made, both principal and interest, as the same shall become due in the same manner as if said bonds had been issued by said city. And said city shall have the power to issue bonds in the place thereof, for the purpose of retiring the same.

Board to consist not all of one party.
One or more from each taxing district. Sec. 23. The appointment of the members of the Board of Public Works, Public Health, Assessment and Review and Police Commissioners, shall be so made that the members thereof shall not all be of one political party, and both taxing districts shall at all times be represented on said boards by one or more members resident within such taxing district.

School Boards not affected. Sec. 24. This Act shall not effect the corporate existence, property or powers of the Board of Education of the City of Saginaw, east side, nor of the Union School District of the City of Saginaw, except as herein otherwise expressly provided.

Money, etc., from the former City of East Saginaw. Sec. 25. The moneys which shall, at the time this Act takes effect, be in the treasury of the City of East Saginaw, shall belong to the eastern taxing district, and the taxes for city purposes which shall then have been levied in said city and remain uncollected, shall remain valid and be collected in like manner as before this Act

was passed, and when collected shall be credited to the general fund of said eastern taxing district, except school and highway taxes, which shall be credited to the school and highway funds of said district.

The moneys which shall, at the time this Act takes effect, be in the treasury of the present City of Saginaw, ^{Money, etc., from the former City of Saginaw.} shall belong to the western taxing district, and the taxes for city purposes which shall then have been levied in said city, and shall remain uncollected, shall remain valid and be collected in like manner as before this Act was passed, and when collected shall be credited to the contingent fund of said western district, except school and highway taxes, which shall be credited to the school and highway funds of said district.

Sec. 26. The provisions of this Act relating to the payment, by the separate taxing districts, of the liabilities heretofore incurred, the payment of the bonds heretofore issued by the City of Saginaw for the construction or to aid in the construction of the Saginaw County Court House, the construction of the City Hall, within the limits herein provided for, and the issue of bonds therefor, are to be taken and construed as fundamental conditions of the nature of a contract between the two cities of East Saginaw and Saginaw hereby consolidated, and shall not be abrogated or changed without the con- ^{Certain provisions of this act to be construed as a contract.}curring assent first given of a majority vote of all the aldermen elected in each of the said taxing districts as herein constituted, by vote recorded at a meeting of the Common Council called for that purpose, of which due public notice shall be given. ^{How changed.}

Sec. 27. This Act shall not change in any respect the boundaries of the first and second representative districts of the County of Saginaw, as they exist prior to the passage of this Act, and shall not change the manner of electing representatives in such districts. ^{Representative districts not changed.}

Sec. 28. The terms "present city of Saginaw," as used in this Act, refers to the city of Saginaw existing prior to the passage of this Act. ^{Term "Present City of Saginaw" defined.}

Biennial fall election. what officers elected in ward.

Biennial spring election what officers elected in ward.

Terms of office

Council complete and operate amendments to charter.

Repeal any clause.

Officers holding over.

Organization of the consolidated city.

Sec. 30. At the biennial fall election there shall be chosen in each ward an Alderman for the term of two years, one Constable for the term of two years, and at the biennial spring election in each ward there shall be chosen a Supervisor for the term of two years, and in each of the twelve wards upon the east side of the river at said biennial spring election, there shall be chosen one School Inspector for the term of two years, principal object and purpose of this Act, among others, is to amend the Charter of the city of Saginaw so as to arrange for biennial city elections, instead of annual city elections, and to provide for a reduction in the number of city officers; and the Common Council of the City of Saginaw is hereby authorized to provide for carrying into complete operation and effect the foregoing amendments of said Charter. All provisions of the Charter of the city of Saginaw in any wise contravening the provisions of this Act, and all Acts or parts of Acts inconsistent with this Act, are hereby repealed.

Sec. 31. The Aldermen, School Inspectors and Supervisors of the present cities of Saginaw and East Saginaw, now holding office, and whose term of office would not, except for this Act, expire until eighteen hundred and ninety-one or eighteen hundred and ninety-two, shall continue, without new election, to hold the several offices for which they were elected as officers in their respective wards of the consolidated city, and shall exercise in their capacity as such officers, such powers and duties as by this Charter shall appertain to the several offices by them so held, and upon the expiration of the respective terms of office of the officers herein specified, successors for the same shall be elected for the full term of office, specified in section four of title two of this Act.

Sec. 32. All the officers chosen at such election shall qualify in the manner provided in this Act for officers chosen at elections subsequently held, and shall enter upon their respective offices within ten days thereafter, and together with the officers holding over as above provided, shall be deemed to complete the organization

of the municipal government of the consolidated city, and thereupon the tenure of all the several elective officers of said cities of Saginaw and East Saginaw, who are not by the provisions of this Act expressly declared to hold over shall be at an end, and such officers shall forthwith turn over to the proper officers of the consolidated city so chosen, all the books, records, property, moneys and effects pertaining to the respective offices so vacated.

Sec. 34. The result of the canvass of the votes at such election shall be certified by the inspectors of election in the several wards and election districts upon the east side of the Saginaw River, to the City Clerk of the City of East Saginaw, and shall be certified by the inspectors of such election in the several wards and election districts upon the west side of the Saginaw River, to the then Controller of the City of Saginaw; such officers shall deliver such certificates to the board of canvassers, as provided in the following section, at the meeting thereof. Canvass of votes, how certified.

Sec. 35. The Common Councils of the City of Saginaw and of the City of East Saginaw together, a majority of whom shall constitute a quorum, shall constitute a board of canvassers to canvass and declare the result of such election. Such board shall meet at the Common Council rooms of the present City of Saginaw on the Wednesday next succeeding such election, at ten o'clock in the forenoon, and canvass and declare such result in the same manner as herein provided for subsequent Charter elections. Common Council to be Board of Canvassers. When and where to meet. Declaring result.

Sec. 36. The members of the Common Council for the consolidated city shall meet and hold the first meeting of such Common Council at a time and place to be designated by the Mayor-elect of said city, said meeting to be called and held not later than the third Monday in March, eighteen hundred and ninety. First meeting of Council of consolidated city.

Sec. 37. Upon the consolidated city becoming organized by the election and qualification of the officers Former acts repealed.

When. elected at the election to be held on the first Monday in March, eighteen hundred and ninety, as hereinbefore provided, all former acts relating to the present cities of East Saginaw and Saginaw, inconsistent with the provisions of this act, shall thereupon be superceded and repealed, but such repeal shall not be construed to affect the Act providing for the incorporation of the Board of Education of the City of East Saginaw, and such board shall remain as at present constituted, with all the rights and powers now possessed by it, except as the same may be otherwise expressly provided by this Act, and such repeal shall not affect any Act or right secured, created or established, or the title of any property acquired, or or any proceeding or transaction, tax, assessment, contract or public improvement had or commenced prior to the time this Act takes effect, but every such Act, claim, right or proceeding shall remain as valid and effectual as if this Act had not taken effect.

Except Board of Education.

Tax, etc., to be valid.

City officials to hold over until. Sec. 38. Until the appointment and qualification of the several officers and members of the various public boards which under this Act are appointed or elected by the Mayor or Common Council, the several officers of the city of Saginaw and East Saginaw shall continue in office, but immediately on the qualification of the officers herein specified, the terms of their offices shall be wholly at an end, and all books, papers, records and property of every description appertaining to such offices and boards, shall be forthwith turned over to the custody and control of the officers and boards elected or appointed under this Act.

Books and records.

Former ordinances to remain in force until when. Sec. 39. All ordinances, by-laws, regulations, resolutions and rules of the Common Council of the City of East Saginaw and Saginaw now in force, and not inconsistent with this Act, shall remain in force, until amended or repealed by the Common Council under this Act, within the respective territories for which they were originally adopted.

Sec. 40. To equalize the payment for public property within the two taxing districts, the expense of the construction of police headquarters or station, and of storage buildings for the use of the fire, street or other department within the western taxing district, shall be borne exclusively by said district, to the extent of the sum of six thousand dollars, after which all expenditures for such purposes shall become a general city charge.

Sec. 41. For the purpose of procuring the site for the City Hall, provided for in section twenty-four of title V of this Act, proceedings may be taken under and in pursuance of the provisions of Act No. one hundred and twenty-four, of the session laws of eighteen hundred and eighty-three, entitled "An Act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal Act No. twenty-six of the Public Acts of eighteen hundred and eighty-two, approved May thirty-first, eighteen hundred and eighty-three, and the Act amendatory thereof."

Sec. 42. The following property owned by the City of East Saginaw, viz: Lots three, four, five, six, seven, eight, nine and ten, in block sixty-eight of Hoyt's plat of East Saginaw, is reserved to the City of East Saginaw, and unless sold or disposed of by said city before this Act shall take effect, said property shall be held and disposed of by the consolidated city for the sole benefit of the eastern taxing district: PROVIDED, HOWEVER, That said Common Council may cede or dispose of, by deed (of) or gift, any or all of said lots to the United States for the purpose of public buildings and grounds of said United States.

Sec. 43. The right, title and interest to all property now belonging to the city of Saginaw, shall be and remain in said city of Saginaw, and all actions, causes of action, rights and obligations of the city of Saginaw, to all persons and corporations, or of persons and corporations to the said city of Saginaw, shall be and are hereby preserved and saved to said city of Saginaw, and to each,

Tenure in office.

every and all persons and corporations having, owning or possessing the same, and all suits now pending in favor of or against said city, shall stand and survive for or against said city of Saginaw unimpaired by the enactment of this Charter, and the city of Saginaw, shall be subject to the same liabilities and entitled to the same recoveries therein as if this Act had not been made, and nothing herein shall in any way affect the tenure of any officer of said city of Saginaw, except as herein expressly provided.

City printing to have the Union Label.

Sec. 44. All printed work done for the city shall have the "Union Label," so-called, of the Typographical Union thereon. The failure to have said label on printed work shall be a sufficient cause for the non-acceptance thereof by said city.

Common Council to fix a legal day's work.

Sec. 45. The Common Council shall have the power to fix and determine, by ordinance, what shall constitute a legal day's work on all public work done, either directly or by contract, for the city, and said Common Council shall have the power to fix a punishment for a violation thereof.

No action against city for injury.

Sec. 46. No action shall hereafter be brought against the city, or any of its boards or officers, for any injury alleged as the result of any negligence on the part of the city or any board or officer thereof, unless the

Notice, sixty days.

person injured shall serve, or cause to be served, within sixty days after such injury shall have occurred, a notice in writing on the Common Council of said city, which notice shall set forth substantially the time when and the place where such injury took place, the manner in which it occurred, and the extent of such injury, as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. All

Notice to commit shall contain.

Affidavit what to contain.

facts relating to such personal injuries shall be set forth in an affidavit made by claimant. Such affidavit shall also state the names and addresses of all claimant's witnesses, the name of the attending physician, if any, the

amount of money, if any, expended for medical attendance, the loss of time and value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury. All claims for damages against the city, growing out of negligence or default of said city, or of any officer or employe thereof, shall be presented in the manner above provided, within sixty days after such damage has been sustained or received, and, in default thereof, shall be thereafter forever barred. But claims which have been presented to the Common Council prior to the passage of this Act shall not be barred for failure to attach thereto a sworn affidavit of the particulars of such injury. No action shall be maintained in any case unless the same be brought within one year after such injury shall be received. No action be maintained after one year.

TITLE XVIII.

BOARD OF ESTIMATES.

Board of Estimates, how created and appointed.

Taxing districts.

Term of office.

No pay.

President of Board.

President pro tempore.

City Clerk to keep record of proceedings.

Suitable room in city hall.

When to meet.

Special meetings.

Adjournment.

Section 1. The Board of Estimates in and for the City of Saginaw is hereby created, to consist of five members, not more than three of whom shall be members of the same political party, three from the eastern taxing district and two from the western taxing district, who shall be appointed by the Common Council upon the nomination of the Mayor. The members of said board hereafter appointed in January, A. D. nineteen hundred and three, shall hold their office for the term of one, two, three, four and five years, respectively, and until their successors qualify. The term of office of the members of said board appointed thereafter shall be five years. They shall serve without pay. The term of office of the members appointed for one year shall be deemed to expire upon the qualification of his successor, who shall be nominated and confirmed as provided in section five, title two, of the Charter of said city. Said board shall elect one of their number president of said board. If he is absent or incapacitated from performing his duties, the board shall appoint a president pro tempore. The City Clerk shall keep a record of its proceedings. The meetings of said board shall be held in a suitable room in the City Hall, to be provided by the Common Council. If no provision is made, then they shall be held in the Common Council chamber. Said board shall meet annually on the first Monday in May, at ten o'clock in the forenoon, and other meetings shall be held on call of the president, or on written notice of a majority of the members of said board delivered to the Clerk. The board may adjourn from time to time, and in case no quorum shall be present at the appointed time of meeting, those present shall adjourn such meeting to some future time, and from time to time until the business referred to it by the Common Council is disposed of, and

it shall not be necessary, after the Common Council has referred to the Board of Estimates any resolution or proceedings which, under the charter, is required to be referred to said board, to again call a meeting of said Board of Estimates, but it shall dispose of such matters without further call from the Common Council. The board shall have the right to call upon the Common Council, or upon any officers of boards of the corporation, for any information which it may require, or for further reports for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. And such board or officer shall furnish the same as soon as possible after such request. It shall also have the right to inspect the official books and papers of said officers or boards.

Board may
call for
information.

Inspect books
and papers.

Sec. 2. Before any money shall be raised, or taxes levied and collected, for the purpose of the several funds mentioned in the Charter of the city of Saginaw, or for school purposes in said city, the estimates of the Common Council, the Board of Education and the Union School District, of the amount of moneys required for such fund or purposes, shall be submitted to said Board of Estimates for approval, and before any bonds or other evidences of indebtedness shall be issued by the city or any board thereof, said issue shall be approved by said Board of Estimates, unless they have been authorized by vote of the people, as provided in said Charter. The estimates for the general city taxes shall be acted upon by the Common Council as provided by the Charter, and shall be submitted to Board of Estimates on the first Monday in May, at which time the Board of Education and Union School District shall each submit to said board its estimates for school purposes, to be considered by the board and reported by it to the Common Council on or before the third Monday of May. The said board shall carefully consider all estimates required by this Act to be submitted to it, of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase

Estimates
submitted to
Board.

Bond issue to
be approved
by Board.

Estimates for
city taxes and
school pur-
poses, when to
be submitted.

When
reported.

Powers of
Board.

the same, and may approve, subject to the conditions of this Act, the sale of bonds of said city, or boards thereof, when thereto authorized by law. The majority of all members of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or for authorizing the issue of any bonds or other evidences of indebtedness against said city, except when the same are authorized by a vote of the tax paying electors of said city, as provided by its Charter.

Majority to approve. Sec. 3. All votes of said board approving or disapproving of any estimates, or decreasing the amount thereof, or the authorizing or disapproving the issuing of bonds, shall be taken by ayes and nays, and entered upon the record of its proceedings. After the said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which it is raised to be made, which statement being adopted by a majority of the members-elect of the board, shall be then signed by the President and Clerk of the board, and shall be transmitted to the Common Council, and only so much of such estimate or amounts to be raised by taxation as shall have been approved by said board, shall be raised and collected in said city, and only such bonds and other evidences of indebtedness against said city shall be issued as shall be authorized by said board as herein provided, or as shall have been authorized by a vote of the people of the city, or the taxing district affected thereby, in accordance with the provisions of the Charter of said city.

Except.

Yea and Nay vote.

Statements of amounts approved.

Transmitted to Council. Limit.

Council to act after approval.

Certain amounts to be levied in full.

The Common Council of said city, upon the approval of said estimates, or any part thereof, by said board, may cause to be levied and collected by general taxes the amount thereof so approved, in the manner in this Charter provided, and may issue any bonds so authorized to be issued by said board as aforesaid: PROVIDED, The amount approved by said Board of Estimates for school purposes, for interest and sinking fund, and for the purpose of paying the street improvement and sewer bonds

and the interest thereon, as provided in section twenty-one, title VI, and section thirteen, title X, of said Charter, shall be levied in full. All Acts or parts of Acts in any wise contravening the provisions of this title, are in so far as they are inconsistent therewith, are hereby repealed.

Contravening provisions repealed.

Sect. 4. No money shall be raised by taxation in the eastern taxing district of said city for school purposes as provided in sections ten and eleven of an act, entitled "An Act to amend and revise Act number four hundred twenty of the local Acts of one thousand eight hundred eighty-one, entitled "An Act to revise an act entitled an Act to incorporate the Board of Education of the city of East Saginaw," approved June seventh, one thousand eight hundred eighty-one, as amended by Act three hundred and thirteen of the local Acts of one thousand eight hundred eighty-five, approved April second, one thousand eight hundred eighty-five, and as further amended by Act four hundred and fifty-eight of the local Acts of one thousand eight hundred eighty-nine, approved June twenty-ninth, one thousand eight hundred eighty-nine, and to change the name of said board from "The Board of Education of the city of East Saginaw," to "The Board of Education of the city of Saginaw, east side," approved April thirtieth, one thousand eight hundred ninety-five, until the estimates thereof have been submitted to the Board of Estimates, and the same have been approved and certified to by said board as in this title provided. All the provisions of this title shall apply to the estimates for school purposes and money and funds to be raised therefor in like manner and with the same force and effect as it applies to other funds and estimates therefor, to be raised or borrowed for any purpose by said city or any board thereof. The provisions of this Act shall apply to the estimates for school purposes in said eastern taxing district for the year one thousand eight hundred ninety-five, as well as for subsequent years, and the action of the said Board of Education of the city of Saginaw, east side, in submitting the

Board to approve raising school moneys in eastern district.

Legalizing estimates of 1895.

Contravening
provisions
repealed.

estimates for the year one thousand eight hundred ninety five for school purposes to said Board of Estimates and the approval thereof by said board, is hereby legalized and confirmed. All Acts or parts of Acts in any wise contravening the provisions of this Act in so far as they are inconsistent herewith are hereby repealed.

TITLE XIX.

LIGHTING.

Section 1. The city of Saginaw may acquire by purchase, or may construct either independently or in connection with the water works of the city, either within or without the city, works for the purpose of supplying the city and the inhabitants thereof with gas, electric or other lighting, at such times and on such terms and conditions as are herein provided. Whenever the Common Council of said city shall declare by resolution that it is expedient for such city to acquire by purchase, or to construct works for such purpose, the Common Council shall have power to take such action as may be deemed expedient therefor.

City may
acquire
lighting plant.

Council to
declare
expediency.

Sec. 2. If the Common Council shall declare that it is expedient to acquire by purchase or construction as the case may be, works for the purpose of supplying the city and the inhabitants thereof, either with gas, electric or other light, then the Common Council shall cause to be made and reported in their proceedings, an estimate of the expense thereof, and the question of raising the amount required for such purpose shall first be submitted to a vote of the taxpayers of said city, at some special election, as provided in section two of title five, and such proposition must be sanctioned by a majority of two-thirds of the tax-paying electors voting at such election before any money shall be raised or expended for such purpose.

Council to
estimate the
cost.

Submitted to a
vote of tax-
payers at
special elec-
tion.

Sec. 3. When authorized thereto, as provided in the last section, the city may issue its bonds for any sum not exceeding one hundred and fifty thousand dollars, for the purpose of raising money for the purchase or construction of said plant to be used exclusively for that purpose.

City may issue
bonds not ex-
ceeding
\$150,000.

Council to fix time and place for payment of bonds.

Rates of interest on bonds.

Surplus to be used for maintenance.

May be in charge of Lighting Commission or Board of Public Works.

Rules and rates.

When to fix rates.

Payment of officials, etc.

The Common Council shall have the power to fix the time and place for the payment of principal and interest of the debt, contracted under the provisions of this title, and the rate of interest thereon shall not exceed six per cent. per annum, and such bonds shall be sold for not less than their par value. The proceeds of said bonds shall be placed in a separate fund, to be known as "lighting fund," and shall be used exclusively for the purpose for which they were authorized, and in no other manner. The total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expenses therefor, provided in section two of this title. Any surplus that may remain in said fund after the construction or purchase of said works, may be used for the maintenance thereof. All expense of maintaining said works and the repairs and extensions thereof, shall be chargeable to and paid from the lighting fund only. If constructed or purchased as a separate plant, it may be placed in the hands of the Lighting Commissioners, appointed in the same manner, and who shall hold their offices for the same time as is herein provided for the appointment of members of the Board of Estimates, or it may be placed under the charge and control of the Board of Public Works.

Sec. 4. The Common Council may by ordinance prescribe the management of said works, and for the care, protection, preservation and control thereof, and of all the property connected therewith or belonging thereto, and to carry into effect the provisions of this title and fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights, and shall annually, on the first Monday in June, fix such rates for the ensuing year. And all officials and appointees shall be paid in the same manner as those of other city officials, but such expenditures shall be chargeable to said lighting fund only.

BOARD OF EDUCATION.

AN ACT TO REVISE AND AMEND AN ACT, ENTITLED AN ACT TO REVISE AN ACT, ENTITLED "AN ACT TO INCORPORATE THE BOARD OF EDUCATION OF THE CITY OF EAST SAGINAW" AND THE SEVERAL ACTS AMENDATORY THERETO.

Sec. 1. The eastern taxing district of the City of Saginaw shall constitute one school district from and after this Act takes effect. The School Inspectors of said school district after the fourth day of July, A. D. nineteen hundred three, shall hold their office as members at large, and discharge all the duties thereof and of the said board until the third Monday of July, A. D. nineteen hundred three. At the biennial spring election in April, nineteen hundred three, the second, fourth, sixth, eighth, tenth and twelfth wards, and at each second biennial city election held in April in said city thereafter, there shall be elected in each of the even numbered wards of said district one School Inspector for the term of four years. At the biennial spring election in April, nineteen hundred three, the first, third, fifth, seventh, ninth and eleventh wards of said district shall each elect one School Inspector for the period of two years, and at the biennial spring election in April, nineteen hundred five, and at each second biennial city election held in April in said city thereafter there shall be elected in the first, third, fifth, seventh, ninth and eleventh wards of said district one School Inspector for the term of four years. The term of office of the members of said Board of Education after the third Monday of July, nineteen hundred three, shall commence on the third Monday of July, after the biennial city election in April, at which he was elected: Provided, That the members elect of said board shall file an acceptance and oath of office with the City Clerk, as required of other city officers. In case of vacancy in said office of School Inspector, the said Board of Education shall

School Inspectors to be members at large.

Election of School Inspectors and their terms of office.

elect by ballot, some suitable person to fill said vacancy until the time for the next general city election, and until his successor shall qualify. At the following biennial city election some suitable elector shall be elected to fill such vacancy for the unexpired term, who shall enter upon the duties of his office upon qualifying.

May sue and be sued.
May hold, rent, sell, and convey real and personal property.

Shall receive and disburse all moneys belonging to Board.

Sec. 2. The School Inspectors elected in said eastern taxing district of said city shall be a body corporate by the name of "The Board of Education of the city of Saginaw, East Side," and by that name may sue and be sued, and be capable of holding, renting, selling and conveying real and personal property for the use of and as the interests of the common and public schools of said eastern taxing district may require, and shall be subject to all the general laws of this state relative to corporations, so far as the same may be applicable. They shall succeed to and be entitled to demand and have all money, real or personal property, uncollected taxes and other rights belonging or to become due to "the Board of Education of the city of East Saginaw," and the school district embraced in the former city of East Saginaw. Said board shall also pay all the debts and demands that may be existing against "The Board of Education of the city of East Saginaw," and the school district embraced within the former city of East Saginaw.

Compensation

Sec. 3. Each School Inspector of the Board of Education, from and after the third Monday in July, nineteen hundred three, shall receive as compensation for his services the sum of three dollars for each and every meeting of the board at which he is in actual attendance.

Quorum.

Sec. 4. A majority of all the members shall constitute a quorum, and the said board shall meet from time to time at such place in said school district as they may designate. They may elect one of their own number President, and in his absence, may elect a President PRO TEM. No claim shall be paid by said board, nor any contract made requiring the expenditure of money, without the concurrence of a majority of said board. All war-

Expenditure of money.

rants or orders for the payment of any money by said board, shall be signed by its Secretary and countersigned by the President thereof.

Sec. 5. The board shall elect a Secretary, who shall ^{Secretary.} perform such duties and receive such compensation as said board shall direct. Said board shall cause full and complete records to be kept of its proceedings, accounts, expenditures and receipts, and such records shall be pub- ^{Records.} lic and open to the inspection of any taxpayer of said district.

Sec. 6. The Board of Education shall have full ^{General powers of Board.} power and authority, and it shall be their duty to purchase sites and build school houses in said district; to apply for and receive from the Treasurer of the city of Saginaw, or other officer having custody or possession of the same, all moneys raised by tax or otherwise appropriated and set apart for the use and support of primary or public shools, and for the district library in said district. They shall expend such funds and moneys received for the purposes and in the manner specified by law, and in no other manner; they shall establish and regulate a district library, and designate a place or places where the library may be kept therein; the said board shall also have full power and authority to make by-laws and or- ^{May make ordinances.} dinances relative to taking the census of all the children ^{To take census.} in said district, between the ages of five and twenty years; relative to making all the necessary reports and transmitting the same to the proper officers as designated by law, so that said district may be entitled to its proportion of the primary school fund; relative to the levying and collection of rate bills; relative to the visitation of schools; relative to the length of time school shall be kept, which shall not be less than nine months in each ^{Nine months a school year.} year; relative to the employment, examination and licensing of teachers, subject to the general statutes of this state in reference thereto, their powers and duties; relative to the regulation of schools and books to be used therein; relative to the appointment of necessary officers, and prescribe their powers and duties; and relative to

Ordinances,
when to take
effect.

anything whatever that may advance the interests of education, the good government and prosperity of the common and public schools in said district, and the welfare of the public concerning the same; which by-laws and ordinances shall have the force and effect of law, and shall be enforced by the courts in the same manner and with the same effect as the ordinances of the city of Saginaw: PROVIDED, No such by-law or ordinance shall be in effect until the same shall have been published at least once in some newspaper printed and circulating in said city, or by posting a copy of the same on the front door of each of the public school houses of said district; proof of said by-laws and ordinances in court may be made by furnishing a certified copy from the records of the board, or by proper affidavit of publication and posting, or by publication in book or pamphlet printed form, as provided for city ordinances in section VI of title IV of the Act to incorporate the city of Saginaw, being Act four hundred and fifty-five local Acts, eighteen hundred eighty-nine.

Proof—
how made.

Fiscal year.

Report to be
made and
published.

Sec. 7. The fiscal year of said Board of Education shall close on the last day of June in each year, and said board shall cause to be made out, within two weeks after the close of such fiscal year, all reports required by law to be made for the use of the state, and they shall cause to be published in some newspaper published and circulating in said school district, a statement of the number of schools in said district, the number of scholars instructed therein in the year preceding, the number of teachers and other persons employed by said board, the several branches of education taught in said schools, and a complete statement of all receipts and expenditures by said board during the preceding year.

Power to
establish and
maintain
manual
training
department.
Appointment
of superin-
tendent, as-

Sec. 8. Said board shall have power and authority to establish and maintain a high school with a manual training department in connection therewith in said district, and to appoint a superintendent of the public schools of said district, and such assist-

ants and teachers as may be necessary with such assistants and salary and such powers and duties as shall be teachers. prescribed by the said board. And said board shall Salary. have power and authority to accept and use gifts of any Power and nature which in the judgment of the board are calculated authority to accept gifts to further the interests of education in said eastern taxing district. Teachers and all other employes employed When salary is to be paid, by said board shall receive their salary bi-weekly.

Sec. 9. Said board shall, in the month of April in Board to determine what each year, determine, by resolution passed by a vote of moneys be necessary annually. the majority of all the members of said board, at any regular meeting, the sum or sums necessary and proper for any or all of the following purposes:

First. To lease, alter, repair and improve school School houses and sites. houses and their outhouses, grounds and appurtenances, and to purchase sites and build school houses;

Second. To purchase, exchange, repair and improve School supplies. school apparatus, books, furniture, appendages, fixtures, text books and all other school supplies used in the public schools, and said text books and supplies shall be loaned Text books, etc., free of charge to pupils. to the pupils of said public schools free of charge, subject to such rules and regulations as to care and custody as the said board may prescribe.

Third. To procure fuel and lights and defray all Fuel and light. the necessary contingent expenses of the said board;

Fourth. To defray the expenses of and purchase Library limit. books for the district library of said city, not to exceed in the aggregate the sum of two thousand dollars in any one year;

Fifth. To pay the salaries and wages of the Super-Salaries and wages. intendent and teachers, in addition to the public moneys which may be by law appropriated and provided for that purpose; Provided, That the sum so authorized shall not exceed in the aggregate, in any one year, the sum of one Limit. per cent. of the assessed valuation of said eastern taxing district as taken from the annual assessment roll of the preceding year.

**Secretary to
certify esti-
mates to
Assessor.**

**Duty of
Assessor.**

**For what
purpose
money to be
disbursed.**

**Additional
amounts—
how raised.**

**Council to
call meeting
of electors,**

Sec. 10. Whenever the said board shall have made the estimates by resolution provided in section nine, the Secretary of the board shall certify the same to the Assessor, or other proper officer or officers of said City of Saginaw, whose duty it may be to assess and extend the taxes of said city, and the said City Assessor, or other officer or officers, whose duty it shall be to extend the ordinary city taxes, shall levy the sum or sums so determined and certified to him upon the taxable property of the district, at the same time and in the same manner as the taxes for other city purposes are assessed: PROVIDED, All taxes levied in any one year in said district by virtue of this Act, shall be placed in a separate column on said rolls from any other taxes, to be headed "School Tax." The taxes so levied shall be and remain a lien upon the property on which the same is levied, in the same cases, to the same extent and in like manner, and shall be collected in the same manner as is provided for taxes raised for ordinary city purposes. All said money shall be disbursed and expended by the authority of said board for the purposes for which it was raised and for no other.

Sec. 11. Whenever said board shall deem it necessary to raise any additional amounts of money in any one year for the support of the public schools, the purchase of grounds for sites, or the erection of school houses thereon, or to improve, alter or repair school houses in excess of the amount provided for in section nine of this Act, they shall so certify by resolution to the Common Council of the city of Saginaw, and it shall be the duty of said Common Council to call, in the manner now or hereafter provided in section two, of title five, of the said Act to incorporate the city of Saginaw, meetings of the taxpayers of said district, which meetings so called, may provide such means to sustain and keep open the public schools and for making such purchase of grounds, and for the building and construction of suitable school houses thereon, as said meetings may determine, either by issuing the bonds of said city, as provided in section seventeen of title five, of the Act to incorporate said city

of Saginaw, or by levying an additional tax upon the property of said district, as provided in section two of title five of said Act, as said meetings shall determine. All bonds issued as provided in this section, shall be designated "School Bonds Eastern Taxing District," and shall be issued and numbered as provided for other city bonds, and when issued shall be charged to and paid by the said eastern taxing district only, and the proceeds of said bonds and all moneys assessed under the provisions of this section, shall be at the disposal of said Board of Education, and shall be expended only for the purposes for which raised and no other. Such bonds shall be disposed of as provided for in section seventeen, title five, of the Charter of the city of Saginaw, and all proceeds paid over to the Treasurer of the Board of Education. If any such additional tax shall be raised as herein provided, the amount voted by the electors shall be added to the amounts certified by the Board of Education to the Assessor and assessed in the same column with the other school taxes, but the board shall, when the same shall be collected, cause the same to be separated from the ordinary school fund and taxes, and set aside and used solely for the purposes for which raised and for no other.

Bonds to be
at disposal of
Board.

Amounts so
raised to be
kept separate.

Sec. 12. The Treasurer of the City of Saginaw shall be EX-OFFICIO Treasurer of the said Board of Education and receive and hold all moneys belonging to said board, unless otherwise ordered by said Board of Education, which is, in its discretion, authorized and empowered to elect a Treasurer, who shall be directly responsible to the said board for the proper discharge of his duties as such Treasurer. The Treasurer of the city shall keep all moneys belonging to the school funds, or to said board separate from the moneys belonging to the city of Saginaw, and shall use, pay out or expend the same only in pursuance of law, or as directed by the board.

Treasurer of
Board.

To receive and
pay out
money.

Sec. 13. The City Treasurer of said City of Saginaw, when EX-OFFICIO Treasurer of said board, shall, before he enters upon the duties of his office, be required to

City Treasurer
to give bonds
to Board.

enter into such bonds and with such sureties as said Board of Education may require, conditioned for the faithful discharge of his duties and the paying over of all school moneys received by him by virtue of this Act.

Money only
receivable
for tax.

Sec. 14. The City Treasurer of said city, or other person collecting the taxes for ordinary city purposes, is required to collect said tax in money, and shall not be authorized or permitted to receive in payment of said taxes any liabilities or evidence of debts against said city.

Board may
borrow
money, etc.

Sec. 15. The Board of Education of the city of Saginaw, east side, is hereby authorized from time to time, on such terms of payment as they may deem proper, to borrow a sum of money not exceeding in all, or at any time, the aggregate sum of five thousand dollars, for the purpose of maintaining the public schools of said district, and paying the salaries and wages of the Superintendent and teachers therein, but for no other purposes, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and to issue bonds of said Board of Education therefor, in such form and executed in such manner as said board shall direct: PROVIDED, Said board shall issue no bond for a less sum than fifty dollars. The bonds issued under this section shall be a charge upon all the property of said board, and the same shall constitute a security therefor, until said bonds are paid: PROVIDED, No legal proceedings shall be instituted to enforce such lien or to sell any property of said Board of Education for the payment of the principal of any such bond, until one year after such principal shall become due and payable, according to the terms thereof. It shall be the duty of said board, whenever they shall borrow any money under the provisions of this section, to appropriate a sufficient sum out of any money in their hands to pay the interest upon the same, and to provide in their next estimate for the whole or so much of the principal as may fall due, or such percentage of the same as the board shall deem necessary, which amount shall constitute a sinking fund for paying such bonds, and shall be used only for that purpose and for no other.

When suit
may be
brought.

Sinking fund—
how created.

Sec. 16. School Inspectors shall be citizens, and ^{Residences of Inspectors.} after July fourth, A. D. nineteen hundred three, reside in the ward they are elected to represent on said board, and a removal from the ward after the date named shall be deemed to vacate the office of such Inspector. If any person shall be elected as School Inspector, and shall file his acceptance and qualify for said office, and thereafter refuse to serve on said board, or on any committee to which he may be assigned, or shall refuse or neglect to attend to the duties of a member of said board without sufficient excuse, he shall forfeit to said board, for the ^{Forfeiture, etc.} use of the library fund, a sum not exceeding fifty dollars, to be recovered in an action of debt before any competent court with costs. Said Board of Education shall have power to make all necessary rules and regulations rela- ^{Powers to make by-laws, etc.} tive to its proceedings, and punish by fine, not exceeding five dollars, for each offense, any member of the board who may absent himself from meetings thereof, or neglect or refuse to serve on committees thereof, without sufficient cause, to be recovered with costs, by said board, in an action of debt in any competent court. And the said board may impose a fine upon any officer elected by ^{Fine.} them for neglect of duty, as they may determine, not to exceed the sum of twenty-five dollars for any one offense, to be collected as above provided.

Sec. 17. Any member of said board who shall know- ^{Corrupt voting by Inspectors.} ingly, willfully or corruptly vote to appropriate or use or expend any moneys under the control of said board for any other purpose than that for which the same was raised and appropriated, or who shall convert any such moneys to his own use, or connive at or be a party to any fraud, or be a party or surety to any contract or bargain made or authorized by said board, or who shall in any manner violate the provisions of this Act, shall be deemed guilty of a misdemeanor and may be prosecuted therefor, and upon conviction may be punished for each offense by ^{Punishment.} fine not exceeding five hundred dollars, or by imprisonment in the county jail of Saginaw county not to exceed

three months, or by both such fine and imprisonment, in the discretion of the court.

General law to
apply to
Board.

Sec. 18. All provisions of the general laws of this state relative to common or primary schools, shall apply and be in force in said district of the city of Saginaw, and shall be binding upon the Board of Education hereby incorporated, except such as may be inconsistent with the provisions of this Act, and the rules, regulations, by-laws or ordinances of the Board of Education of the city of Saginaw, east side, made under and in conformity to the provisions of this Act.

Original act
repealed.

Sec. 19. Act number four hundred twenty of the local Acts of eighteen hundred eighty-one, entitled "An Act to revise an Act, entitled an Act to incorporate the Board of Education of the city of East Saginaw," approved June seventh, eighteen hundred eighty-one, and all Acts amendatory thereof are hereby repealed.

Approved April 3rd, 1869, as amended by Act No. 420, laws of 1881, and Act approved April 2nd, 1885, and as amended by Act of legislature of 1889, and as amended by Act of the legislature of 1895, approved April 30, 1895, and as amended by Act No. 382 of legislature of 1901, approved April 9, 1901, and as amended by Act of legislature of 1903.

AN ACT

To authorize the Board of Education of the city of Saginaw, east side, County of Saginaw and State of Michigan, to borrow money and issue bonds in the sum of forty thousand dollars, to be used in the erection and equipping of a manual training high school, with a gymnasium and swimming-pool in connection therewith, in the eastern taxing district of the city of Saginaw, and in the purchase of a site therefor.

The People of the State of Michigan enact:

Sec. 1. The Board of Education of the city of Saginaw, east side, from and after the passage of this Act, is hereby authorized and empowered to borrow on the faith and credit of said city, a sum of money not exceeding forty thousand dollars, for a term not in excess of ten years from date of issue, at a rate of interest not exceeding five per cent. per annum, payable semi-annually or annually, at such place or places as the said Board of Education may determine, and to make and execute the bonds of the eastern taxing district of said city therefor, in such form as the Board of Education may, by a majority vote of all the members of said board elect, determine, and to provide for the payment of the same; and said Board of Education is further authorized to issue, negotiate and sell such bonds from time to time, upon the best terms for such eastern taxing district of said city as may be obtained: Provided, however, That no such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds more than five per cent. per annum.

Board empowered to borrow money.

Proviso.

Sec. 2. The money borrowed under the provisions of this Act shall be applied as follows, viz.: To the construction and equipment of a manual training high school building with gymnasium and swimming-pool in connection with the same.

Money to be used to construct manual training school.

Site for same. tion therewith, for the use of the eastern taxing district of said city, and for the purchase of a site therefor, to be located in such place in the eastern taxing district of said city as the said Board of Education may determine.

Powers and duties to raise money.

Certify to Assessor to assess.

To be known as school tax.

Collection.

Sec. 3. Said Board of Education shall have the power and it shall be its duty to raise by tax upon the taxable property of the eastern taxing district of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due as hereinafter stated, and said board shall, by resolution, determine from time to time the amount or amounts due and owing on said bonds in the same manner as is now provided for the raising of money for other school purposes in section nine of the Charter of the Board of Education of the city of Saginaw, east side, and whenever the said board shall have made the estimates, by resolution, of the amount due on said bonds the Secretary of the board shall certify the same to the Assessor or other proper officer or officers of said city of Saginaw, whose duty it may be to assess and extend the taxes of said city, and the said City Assessor or other officer or officers whose duty it shall be to extend the ordinary city taxes, shall levy the sum or sums so determined and certified to him as the amount due on said bonds, upon the taxable property of the school district, at the same time and in the same manner as the taxes for other city purposes are assessed, and when collected be placed in a separate column on said rolls from any other taxes, to be headed "School Tax," and shall become and remain a lien upon the property on which the same is levied, in the same cases, to the same extent, and in like manner, and shall be collected in the same manner as is provided for taxes raised for ordinary city purposes. Said moneys shall be distributed and expended by the authority of said board for the purposes for which they were raised, and for no other.

AN ACT

TO AMEND THE CHARTER OF UNION SCHOOL DISTRICT,
SAGINAW, WEST SIDE.

Sec. 1. The People of the State of Michigan enact: That the western taxing district of the city of Saginaw shall constitute one school district, which shall be a body corporate, by the name and style of "Union School District of the city of Saginaw," and by that name may sue and be sued, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable, and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be in force in said district, except such as shall be inconsistent with this Act, or with the by-laws and ordinances of the Board of Education hereinafter mentioned, made in pursuance of this Act.

Sec. 2. All schools organized in said district under this Act, shall be open to all children, actual residents within the limits of said city in the western taxing district, between the ages of five and twenty-one years, inclusive, and to such other persons as the said board shall admit.

Sec. 3. The officers of said district shall consist of six trustees, to be called the Board of Education; and the term of office of said trustees shall be three years, two of whom shall be elected annually, on the first Monday of June in each year; and within ten days after each annual election, the trustees shall meet and elect from their own number a President, Secretary and Treasurer, who shall severally hold their offices for one year, and until their successors shall be elected and qualified, and may at any time fill, by a new election, any vacancies that may occur

**Powers and
duties of.**

in either of said offices; and their powers and duties shall severally be the same as those of the Moderator, Assessor and Director, in school districts organized under the general laws of this state, except as the same are varied by the provisions of this Act, and the ordinances and by-

**Compensation
of officers.**

laws of said board. The Secretary and Treasurer shall receive such compensation as said board shall direct.

**Election of
Trustees.**

The Trustees shall be elected by ballot,, and the two Trustees to be elected may both be voted for A the same time, and on the same ticket, the two persons receiving the greatest number of votes respectively, shall be considered and duly declared as elected. In case there is a vacancy to fill at any election, the ballot to fill such vacancy may be taken at the same time as the ballot for the election of the Trustees, and the ballot to fill such vacancy shall indicate that it is to fill a vacancy, and the person receiving the highest number of votes to fill such vacancy shall be considered and duly declared as elected.

**Annual
meetings.**

The Board of Education shall have power to call such annual meetings for such hour of the day as to them may seem best, and for providing that the polls for the election of Trustees, whether regular Trustees or to fill a vacancy, may be kept open during such meetings for such length of time, as may seem best, but such polls shall be kept open for at least four hours. The board shall also have power to fix an hour during said day at which the general business of said meeting, other than the election of Trustees, shall commence.

**Polling
places.**

The board shall have power to provide for more than one polling place, and in the event of providing for more than one polling place, shall determine the division of the district for such purposes. At all elections there shall be a Board of Inspectors, consisting of at least one member of the Board of Education and two tax paying citizens who who shall be selected by the Board of Education previous to such election. The two citizens thus chosen shall take the oath prescribed to be taken by Inspectors of Election in the form prescribed in the first

**Board of in-
spectors.**

section of the eighteenth article of the revised constitution of this State, which oath shall be administered by the President of the board or by a Notary Public. The polls shall be kept open for such length of time, not less than four hours, as the board may prescribe from time to time, and the reports from each polling place, if more than one is established, shall be made to the board and shall be canvassed by the board at such time and in such manner as the board shall prescribe.

Time the polls shall be kept open.

Sec. 4. The secretary of the board shall give at least ten days previous notice of the annual and all special elections of said district by posting notices thereof, specifying the hour, place and object of holding the same, in at least three public places in said city; and a copy of such notice shall be recorded in the book in which the records of the proceedings of such elections shall be kept, and such record shall be PRIMA FACIE evidence that due notice of such election has been given according to its terms.

Notice of the annual elections.

Sec. 5. Said Board of Education shall have power to fill all vacancies that may occur in the office of Trustee until the next annual election of the district; and each Trustee within ten days after notice of his election, whether elected by said district or by said board, shall file with the Secretary an acceptance of office in writing.

Vacancies, how filled.

Sec. 6. The Treasurer of said district shall, before entering upon the duties of his office, give a bond to said district, in such sum and with such surety or sureties as the said board shall approve, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the Secretary.

Bond of the Treasurer.

Sec. 7. The Treasurer shall receive and hold, subject to the order of said board, all moneys belonging to said district from whatever sources derived, and it shall be the duty of the County Treasurer and the Treasurer of said city to pay over to him on his application therefor all money that shall come into their hands, respectively,

Treasurer to receive and hold funds.

Board to contract with bank.

belonging to said district: PROVIDED, HOWEVER, That said board shall have power to enter into a contract with any bank, banker or bankers doing business in the city of Saginaw, to receive on deposit and pay interest on any money in the treasury of said district, and to receive from any such bank, banker or bankers such security by way of bonds or otherwise for the safe keeping and prompt paying over of such money and the interest thereon by the order of such Treasurer as said board may by resolution demand and approve, such contract and the security for the faithful performance thereof being made and approved by said board and filed with the Secretary, and such contract and security being entered and recorded at length upon the record of said board of the proceedings at the meeting at which the security was approved. Said board shall have the power by resolution to direct said Treasurer to deposit with such bank, banker or bankers, all moneys of said district, in and thereafter coming into his hands during the time fixed in such contract, and said Treasurer and his bondsmen shall not be liable for any loss the district may sustain from or by reason of any defalcation of such bank, banker or bankers. In any contract for the deposit of the funds of said district made in pursuance hereof, said board shall reserve the right to terminate the same and to withdraw such deposits and remit the same to the custody of said Treasurer at its pleasure. Money so deposited shall be drawn only on the order of said Treasurer of said board, and he shall draw the same only when he is authorized to pay the same according to the provisions of law, or when directed by said board to withdraw such deposits in the manner above provided.

Money to be drawn on the order of Treasurer.

Money, how paid.

Sec. 8. No money of said district shall be paid by said Treasurer, except on the order of said board, signed by the Secretary and countersigned by the President; and it shall be the duty of such Treasurer to pay such orders to the extent of the funds in his hands on presentation thereof.

Sec. 9. A majority of the members of said board shall constitute a quorum, and the said board shall meet from time to time, at such place in said city as they may designate. Said board shall succeed to, and exercise all the powers and perform all the duties of School Inspectors for said city, and the office of School Inspector of said city, except as vested in and to be executed by said board, is hereby abolished; said board, before hiring any teacher, shall examine into his or her qualifications; and all teachers employed by said board shall be considered and deemed legally qualified; and said board shall deliver to them respectively a certificate, stating the branches they have been found qualified to teach, which shall continue in force as long as said board shall continue to employ such teachers in the schools of said district, unless expressly annulled by said board; and on such certificate being annulled, any contract for the employment of the teacher named therein shall cease and determine, as though the term of such employment had expired.

Quorum.
Powers of the Board.

Examination of teachers.

Sec. 10. Said board shall also have the power, and it shall be its duty annually, to determine by vote, which shall be entered in the records of its proceedings, the amount of money necessary to be raised by tax on the property of said district, to defray the expenses of the schools of said district for the current year, including free text books and school supplies, for all grades, including the High School, and the amount necessary to pay the interest and principal of any liquidated debt due within such year, from such district, and to file with the Board of Estimates, or other proper official, designated in the Charter of said city of Saginaw, on or before the first day of May in each year, a statement in writing of the sum so voted; and it shall be the duty of the Common Council to apportion said sums to be raised among the wards of said city, which are included in said district, according to the valuation of the taxable property in the same, and to cause the same to be assessed on such property in the first general tax thereafter made, which said sums so assessed shall be and remain a lien on the property

Money.
how raised.

Statement of the amount of money voted.

Tax, where placed in roll.	<p>against which they are assessed until fully paid; and the assessment of such tax for said district shall be in a separate column in said roll, and the same shall be collected at the same time, and shall be and remain a lien upon the property on which the same is levied, and the Treasurer of said city shall have the same authority and may resort to the same remedies and modes and proceedings by virtue of said roll and warrant annexed thereto to collect the same as in the case of the other taxes therein contained, and it shall be the duty of the City Treasurer to pay over to the treasurer of the said district monthly all such moneys as may be collected belonging to said district.</p>
Collection of taxes.	
Special elections.	<p>Sec. II. Said board shall also have power to order special elections of said district whenever and such election shall be deemed necessary; and at any special as well as at any annual election of said district, a majority of the taxpayers, residents therein, and voting at such election, shall be entitled by vote to order any number of school houses to be erected, and sites for the same in said city to be purchased; and to vote for raising by tax on the taxable property of said city, or partly by tax and partly by loan, or entirely by loan, on the bonds of said district, all sums necessary to purchase said sites, and to erect such school houses, and said board shall have authority to issue such bonds or re-issue the same:</p>
Taxpayers' power.	
Proviso.	<p>PROVIDED, HOWEVER, That all questions involving the raising of money to purchase sites and to erect school houses, or for the re-issue of bonds, shall be voted upon by proper ballot in form fixed by the Board of Education, which questions shall be submitted to the electors of the district at the same time the Trustees are elected, or at a special election duly called for that purpose, notice of which special election shall be given as prescribed in Section IV, and the board shall have power to provide for more than one polling place, shall determine the division of the district for such purpose. At all special elections there shall be a Board of Inspectors, consisting of at least one member of the Board of Education and</p>
Ballot to be prepared by Board.	
Board of Inspectors.	

two tax paying citizens, who shall be elected by the Board of Education previous to such election. The two citizens thus chosen shall take the oath prescribed to be taken by Inspectors of Election, which oath shall be administered by the President of the board, or by a Notary Public. The polls shall be kept open for such length of time, not less than four hours, as the board may prescribe from time to time, and reports from each polling place, if more than one is established, shall be made to the board and shall be canvassed by the board at such time and in such manner as the board shall prescribe.

Time the
polls shall be
kept open.

Sec. 12. Said board shall have power, and it shall be its duty, to elect and purchase such number of sites for school houses, as shall be directed by the vote of any district election or elections, and in case a loan, for any purpose authorized by the last preceding section shall be voted by a district election, it shall be the duty of said board, if possible, to borrow the money so directed to be procured, by loan, and for this purpose a bond may be made in the name of said district, signed by the Secretary and countersigned by the president, and delivered to the lender, providing for the payment of the sum borrowed, and such rate of interest as shall be agreed on, not exceeding ten per cent. per annum, and a statement of any sum directed by said district election to be raised by tax, shall be filed with the Board of Estimates, or other proper officials, designated in the Charter of said city of Saginaw, within the same time as the statement of moneys voted by said board is required to be filed, and on the filing of the same, proceedings shall be had and taken to collect the same as by section ten of this Act authorized to collect the moneys voted by said board, and said section, as to the collecting and paying over the moneys, directed by said board to be raised by tax, shall apply to the collecting and paying of the moneys voted by said district election to be raised by tax.

School house
sites.

Loans.

Rate of
interest.

Statement to
be filed with
Board of
Estimates.

Improve-
ments and
plans of school
houses.

Sec. 13. It shall be the duty of said board to improve and ornament the sites for such school houses as it shall deem proper and expedient, and adopt plans of school houses to be erected, and erect the same and furnish them in such manner, as in the judgment of said board will best subserve the purpose of their erection.

District
library.

Sec. 14. Said board shall establish a district library for the use of the schools in said district, and for the increase of the same shall appropriate annually the sum of not less than two hundred dollars of the moneys raised by tax for school purposes, and in addition thereto, all fines collected for breach of the State or municipal laws within said city, shall be applied for the support of such library.

By-Laws and
ordinances
made by
Board.

Sec. 15. Said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said district, between the ages of five and twenty years, relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said district may be entitled to its portion of the primary school fund; relative to the levying and collecting of rate bills; relative to the grading, disciplining and visitation of schools; relative to the course of study and books to be used in the schools; relative to the appointment of necessary officers and servants in and about said schools, their powers, duties and compensation, including a Superintendent of the Schools of said district; and said board shall be authorized to purchase, exchange, repair and improve the school apparatus, books, furniture, text books and all other school supplies used in the public schools, including High School; such text books and supplies to be loaned to the pupils of the said public schools, including the High School, free of charge, subject to such rules and regulations as to the care and custody thereof as the said board prescribes.

High School
and Kinder-
garten.

Sec. 16. Said board shall also have power to establish and maintain a High School, and prescribe the course of

study for the same, and to grant such certificates of scholarship and in such form as such board shall deem proper, to pupils completing satisfactorily the said course of study. Said board may also establish and maintain one or more kindergarten.

Sec. 17. The Trustees and officers of said school ^{Officers of.} district number one, shall be and they are hereby constituted the Trustees and officers of said Union School District of the City of Saginaw, and the Moderator shall be the President and the Director the Secretary of said board, and said Trustees and officers shall continue to hold their offices respectively, for the same time as though this Act had not been passed, except as modified by the time of holding the annual elections of said district.

Sec. 18. The intention of this Act being that the fis- ^{School year.} cal year shall annually expire on the last day of June each year, and that all terms of office which expire in any year shall terminate with the fiscal year on the election and acceptance of the officers elected at the last annual meeting.

Sec. 19. The Secretary of the Board of Education ^{Statement of money to be published.} of the City of Saginaw is directed and hereby required, at least ten and not more than fifteen days before the annual school election of said district, to make out and publish in some newspaper published in the county of Saginaw, a statement of all moneys received, and from what sources, and all moneys expended, and for what purpose, for the expiring year.

Sec. 20. All Acts and parts of Acts in any manner ^{Acts.} conflicting with or inconsistent with the provisions of this Act, are hereby repealed.

This Act is ordered to take immediate effect.

Approved June 2, 1897. Filed June 5, 1897.

POLICE PENSION FUND.

AN ACT

Aged and disabled policemen.

To provide for the retirement of aged and disabled policemen employed by the City of Saginaw, and for the payment of pensions to the wives and children and widowed mothers of policemen killed in the service of the City of Saginaw.

The People of the State of Michigan enact:

In duty not less than twenty-five years be retired and get annual pay.

Physician's certificate.

Board of Police Commissioners' approval of certificate on record.
Proviso.

Sec. 1. Whenever a member of the police force of the City of Saginaw shall have been disabled or incapacitated while in the actual performance of his official duty, and whenever any member of said police force or other person in the employment of the Police Board of said City of Saginaw, who has performed faithful service as such member or employe for a period not less than twenty-five years, shall have become permanently incapacitated from performing regular active duty, he may be retired by the Board of Police Commissioners from regular active service and placed on the retired list. Such member when so retired shall be paid annually, in equal monthly payments, a sum not exceeding six hundred dollars, or a sum equal to one-half the annual pay received by him at the time of his retirement, if the City Physician, or some other competent physician authorized by the Police Board to act in the premises shall certify to the Police Board in writing that he is permanently physically or mentally incapacitated from regular active duty, which finding shall be approved by said Board of Police Commissioners by resolution made of record by said board: Provided, That no member of said force shall be so retired until he has been duly notified by said board of its intention to so retire him and he has been heard in opposition thereto: Provided, further, That said Board of Police Commissioners may place on the retired list any

person who became totally disabled while in the employ-
ment of said commissioners prior to the passage of this
Act.

Board may
place on re-
tired list be-
fore this act
takes effect.

Sec. 2. Officers and policemen on the retired list
shall be subject to the orders and discipline of the Board
of Commissioners, shall perform such duties as may be
required of them, and shall be subject to punishment in
the same manner as officers and policemen in the regular
active service.

Officers and
policemen on
retired list.

Duties.

Punishment.

Sec. 3. Said Board of Police Commissioners may
at any time require officers or policemen on the retired
list to be re-examined by the City Physician, or some
other competent physician authorized by said board to
act in the premises, and if on such re-examination they
are reported capable of performing regular duty, they
may be required by said board to return to regular duty
and full pay.

May be re-ex-
amined and
returned to
regular duty.

Sec. 4. In case any person in the employment of
the Board of Police Commissioners of the City of Sagi-
naw shall be killed while in the discharge of his duty, or
shall receive injuries which shall result in his death with-
in one year thereafter, the wife or children, or if there be
no wife or children, the dependent parent or parents of
such person, shall, by a vote of four-fifths of the said
Board of Police Commissioners, be paid a pension for a
period of five years. The wife shall receive the sum of
three hundred dollars annually in twelve monthly pay-
ments of twenty-five dollars each, during the term of five
years, until she re-marries or dies, in which case all pay-
ments of moneys under this Act to such widow shall
cease, but shall be paid to such children as shall be under
the age of sixteen years at the time of the re-marriage or
death of the widow, the money to be divided equally
among such children. Such child or children shall re-
ceive in equal payments, according to the number of such
children, the same amount as would have been paid the
widow, such payments to be paid monthly as hereinafter
provided, and continued until such child or children shall

If person
killed while in
employ of Po-
lice Commis-
sioners, wife,
children or de-
pendent par-
ents annual
pay.

How paid and
when to cease.

have attained the age of sixteen years, unless they die before reaching that age, but not for a longer period than five years. If there be no widow or children, then the dependent parent or parents may receive the same benefits as are provided in this Act for the widow. The moneys for the payments of such pensions shall be collected and paid in the manner hereinafter provided.

How moneys collected.

Not to apply to special policemen.

Sec. 5. Nothing in this Act shall be construed to apply to special policemen, nor to policemen appointed at the request and expense of private parties, nor shall any person in the actual receipt of a pension for injuries received as a member of said police force, draw any pay under the provisions of this Act.

Sec. 6. Said retired officers and policemen shall be paid out of any fund known as "Police Fund," and in case there is not sufficient money in the police fund to pay said retired policemen or pensioners as provided in this Act, the same shall be paid out of money belonging to the general fund, which shall be estimated and raised by taxation in the same manner as other expenses in maintaining the police force of the city of Saginaw. Persons on the retired list shall be paid at the same time and in the same manner as the regular members of the police force. When the widow or children, or parent or parents, shall make application for a pension to the Board of Police Commissioners, through the Secretary of the board, on a form to be provided by said board, accompanying such application shall be the proof of the marriage of the deceased with the widow claimant, such proof to be established by the marriage certificate, or other competent evidence of the marriage relation. Proof of the birth of the children shall be shown by the certificate of the attending physician, or by other competent proof, and in case of the parent or parents, satisfactory proof of the parentage shall be shown. All applications and proofs shall be retained in the custody of the Board of Police Commissioners, and whenever such application for pensions are allowed by said Board of Police Com-

Police fund.

How raised.

When to receive payments.

Application.

What proofs.

Applications and proofs be retained by Board.

missioners, due notice of such action, with the names of all the pensioners, shall be given to the Controller of the City of Saginaw, who shall cause such persons to be registered in his office as pensioners of the police department of the City of Saginaw.

Notice by
board to Con-
troller of all
pensioners.

GENESEE AVENUE BRIDGE BONDS

An Act to authorize the city of Saginaw to borrow money to be used in building a bridge and approaches at Genesee street, across Saginaw River in the City of Saginaw, County of Saginaw, and to issue bonds therefor, and to repeal Act number four hundred forty-six of the local Acts of eighteen hundred ninety-nine, entitled "An Act to authorize the city of Saginaw to borrow money to be used in building a bridge and approaches at Genesee street, across the Saginaw River in the City of Saginaw, County of Saginaw, and to issue bonds therefor," approved June fifteenth, eighteen hundred ninety-nine.

The People of the State of Michigan enact :

**Council to
borrow.**

**Approval of
Board of
Estimates.**

**Rate of
interest.**

Sec. 1. The Common Council of the City of Saginaw be and is hereby authorized and empowered to borrow, on the faith and credit of said city, after the same shall have been first approved by the Board of Estimates thereof, the sum of not exceeding two hundred thousand dollars for a period of not exceeding twenty years, at a rate of interest not exceeding five per cent. per annum, and to make, execute, negotiate, issue and sell the bonds of said city therefor with proper interest coupons attached thereto, in such manner as said Common Council shall determine, which said bonds in no case shall be sold less than their par value.

**To be called
bridge bonds
and what to be
used for.**

Sec. 2. Said bonds shall be denominated bridge bonds, and the proceeds thereof shall be used in defraying the expense of building approaches to and the building of a bridge across the Saginaw River at Genesee Street, in the City of Saginaw, County of Saginaw, and State of Michigan, and for no other purposes. „

Sec. 3. Whenever the Common Council of said city shall have decided upon the building of such bridge, it shall so declare by resolution; and the Board of Public

Works of said city with all convenient dispatch shall determine as to the particular kind, and estimate the quantity of material, to be used therefor, and estimate in detail the probable cost and expense of such work and the material to be used therein, and make a record thereof in their office; and cause to be prepared plans and specifications in detail for such work or improvement, and place the same on file in their office and report their determination and estimates to the Common Council. Board to estimate cost. When such plans and specifications shall have been submitted to the Common Council and adopted by it, the said Board of Public Works shall advertise for proposals for the furnishing of materials and for the performance of such work in accordance with the plans and specifications so recommended and adopted. In all cases, whether such plans are for a style of bridge covered by letters patent or otherwise, the said Common Council, before bids are advertised for, shall acquire and own such plans and specifications and secure the right to construct or cause to be constructed, a bridge at Genesee Street in said city, in accordance therewith and to maintain and operate the same: Provided, however, That no more than seven thousand five hundred dollars shall be expended for the procuring or preparation of such plans and specifications, and securing the right to construct, maintain and operate any such bridge. Report to Council. The said Board of Public Works shall require all bidders to furnish security for the performance of the proposals tendered to said board, if the bid is accepted, and also security for the performance of any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board together with its recommendation with respect thereto, to the Common Council. Board to advertise. No such contract shall be let except to the lowest responsible bidder nor unless it be first recommended by the said Board of Public Works and authorized by the Common Council nor shall any such contract be executed until the issue of said bonds has been approved by said Board of Estimates. Proviso. Security required. Contract to lowest responsible bidder.

Sec. 4. Act number four hundred forty-six of the local Acts of eighteen hundred ninety-nine, entitled "An Act to authorize the city of Saginaw to borrow money to be used in building a bridge and approaches at Genesee Street, across the Saginaw River in the City of Saginaw, County of Saginaw, and to issue bonds therefor" approved June fifteenth, eighteen hundred ninety-nine, is hereby repealed.

This Act is ordered to take immediate effect.

**List of Cases decided in the Supreme Court of Michigan,
in which the City of Saginaw or East Saginaw, or
some Board or Officer thereof was a party.**

Hiram S. Penoyer vs. City of Saginaw, 8 Mich., 534. Action against the city for maintaining a nuisance by digging and maintaining ditches which flooded plaintiff's land (1860). City held liable.

School District No. 1 of the City of Saginaw vs. Township of Saginaw, 9 Mich., 541. Action by School District to recover a portion of the "mill tax" levied before incorporation of the city (1862.) The suit was not maintainable.

East Saginaw City Railway vs. Myron F. LeRoy, City Marshal and Collector of East Saginaw. 18 Mich., 233. Action of Replevin against the City Collector, to recover property seized for general taxes, where only specific taxes were allowable (1869.) Held replevin would not lie.

East Saginaw Manufacturing Co., vs. City of East Saginaw, 19 Mich., 259. Bill in Chancery to enjoin the city from collecting tax (1869.) On the ground that complainant was exempt under the "Act to encourage the manufacture of salt." Laws 1859, p. 551. Also on ground that when the corporation was organized it was subject to a specific tax in lien of all other taxes. Bill dismissed.

Jacob Steckert, et. al. vs. City of East Saginaw. 22 Mich., 104. Bill to enjoin collection of special tax for paving Washington street (1870.) Tax proceedings defeated.

Jacob Nicodemus vs. City of East Saginaw. 25 Mich., 456. Assumpsit to recover special tax for improve-

ment of Genesee street paid under protest. (1872.)
Tax proceedings defeated.

Board of Water Commissioners vs. Common Council
of East Saginaw. 33 Mich., 164. Mandamus to
compel the levying of tax to pay bonds. (1876.)
Mandamus denied.

Oliver P. Barber vs. City of Saginaw. 34 Mich., 52. Ac-
tion to recover for services rendered to a poor per-
son, on order of Director of the Poor. (1876.) City
held not liable.

Alfred C. Curtis, et. al. vs. the City of East Saginaw, 35
Mich., 507. Bill to enjoin collection of taxes levied
in South Saginaw before annexation. (1877.) Act
of Annexation attacked. Bill dismissed.

John S. Estabrook, et. al. vs. City of East Saginaw, 40
Mich., 336. Mandamus to compel payment of Con-
tractor from special street improvement fund.
(1879.) Mandamus denied.

Fred Loudon vs. The City of East Saginaw, 41 Mich., 18.
Action to recover money paid under protest, on spe-
cial assessment for paving Genesee street. (1879.)
Plaintiff held to have waived his rights, and judg-
ment for defendant.

Augusta Tiedke, vs. the City of Saginaw, 43 Mich., 64.
Complaint for disorderly conduct, (1880.) Two dis-
tinct offenses charged in complaint. Held error.

James Gamble et al vs the city of East Saginaw, 43 Mich.,
367. Bill in Chancery to remove cloud occasioned by
city tax purchase for taxes levied in 1877-8. (1880.)
Bill defective and dismissed.

John B. White, et. al. vs. City of East Saginaw. 43 Mich.,
567. Suit was brought by the city on the official
bond of Dr. White as Coroner acting as Sheriff in
the collection of liquor taxes. (1880.) Judgment
against the city.

City of East Saginaw vs. County Treasurer. 44 Mich., 273. Mandamus to compel County Treasurer to pay over liquor taxes collected. (1880.) Constitutionality of amendment to constitution in 1875. Amendment held valid. Writ issued.

Waldo Avery, et. al. vs. City of East Saginaw, 44 Mich., 587. Action to recover moneys paid as taxes under protest, because assessment was raised by Board of Review without notice. (1880.) The action of the Board held illegal, but judgment for plaintiff reversed as excessive.

Board of Health of Buena Vista vs. city of East Saginaw, 45 Mich., 257. Ejectment to recover possession of Brady Hill Cemetery (1881.) Decided against the city.

William Callam vs. City of Saginaw. 50 Mich., 7. Bill to enjoin the issue of bonds for construction of Court House. (1883.) Injunction granted.

Charles M. Williams vs. City of Saginaw. 51 Mich., 120. Action to recover money paid for taxes under protest (1883.) Held that court could not inquire into the question of an excess of tax. The action of the Board of Review is final.

Henrietta Lane vs. City of Saginaw. 53 Mich., 442. Street opening proceedings (1884.) Proceedings quashed.

Mary McArthur, Administrator vs. City of Saginaw. 58 Mich., 357. Action against the city to recover damages because of the death of Angus McArthur, who was thrown against a pile of lumber in the street and killed (1885.) The "obstruction" held not to be a "defect."

Kunderinger vs. City of Saginaw. 59 Mich., 355. Certiorari to review the proceedings for opening a street. Held charter defective in not providing for personal service upon resident respondents. Proceedings quashed.

George Davies vs. City of East Saginaw, 66 Mich., 37.
Action to recover balance due on contract for paving
North Franklin Street (1887.) Paving contract con-
strued and various technical terms thereof defined.

John B. White, et. al. vs. City of Saginaw and Auditor
General. 67 Mich., 33. Bill to enjoin collection of
special assessment made to defray expense of con-
structing sewer in Adams Street (1887.) Proceed-
ing held illegal.

Edward M. Carey vs. City of East Saginaw. 79 Mich.,
73. Action in assumpsit to recover for sewer pipe
sold and delivered to the city (1889.) The fact that
contract was not in writing and no security given to
the city for its performance, held no defense to the
action.

Jay Smith vs. The Mayor and Common Council of the
City of Saginaw, 81 Mich., 123. Mandamus to test
the constitutionality of the act consolidating Sagi-
naw and East Saginaw (1890.) Act sustained.

Chas. F. Alderton vs. Wm. Binder, Controller, and the
City of Saginaw, 81 Mich., 133. Mandamus to test
the validity of the city Charter. (1890.) Act sus-
tained.

Herman Pistorius vs. Otto Stempel, Justice of the Peace,
and City of Saginaw, 81 Mich., 133. Mandamus to
test the validity of the city Charter (1890). Act sus-
tained.

John L. Spalding vs. City of Saginaw, 84 Mich., 134. Bill
to enjoin the issue of "City Hall Bonds" (1890). Bill
dismissed.

Frederick W. Carlisle vs. City of Saginaw, 84 Mich., 134.
Bill to enjoin the issue of "City Hall Bonds" (1890).
Bill dismissed.

Lawson C. Holden, City Attorney, vs. John D. Barry,
Police Judge of the City of Saginaw. Mandamus
to compel the taking of complaint, issuing of warrant

against and the trying of Joachim Zimmerman, a licensed drayman, for standing his dray on Washington Avenue contrary to the provisions of Section 6 of the "Dray Ordinance." The provisions were held reasonable and valid, and Mandamus issued June 2nd, 1891.

Alfred Davies, et. al. vs. City of Saginaw, 87 Mich., 439. Bill to enjoin the collection of special assessments for paving Genesee Avenue from Hoyt to Hartsuff Streets (1891.) Charter construed and Bill dismissed.

Schwartz vs. Barry, 90 Mich., 267, (1892). Mandamus granted to set aside an order of respondent who was Controller guilty of contempt.

Tillotson vs. Saginaw, 94 Mich., 240. Bill to restrain defendants from issuing bridge bonds. The provisions of the Charter in reference thereto and Act 320 local Acts of 1891 construed. Bill dismissed.

Auditor General vs. Maier, 95 Mich., 127. Maier filed an answer in the tax proceedings for sale of lands for delinquent tax which was a special assessment for paving, denying the validity of the assessment. Assessment sustained.

Auditor General vs. Smith, 95 Mich., 132. Case same in the main as last case.

Naegley vs. City of Saginaw, et. al., 101 Mich., 532. Bill filed to restrain issuing of bonds for construction of the Court Street Bridge under Section 25, Title 5, of the Charter, and Act 321, Local Acts of 1891. Bill dismissed.

City of Saginaw vs. Campau, 61 N. W. 65. Appeal from proceedings in Recorder's Court for widening of Houghton Avenue. Proceedings sustained.

Shimmons, et. la. vs. City of Saginaw, 62 N. W., 725. Bill filed to set aside special assessment for the paving of Gratiot Street, (1895.) Bill dismissed.

City of Saginaw vs. McKnight, Circuit Judge. 63 N. W. R. 985. Mandamus to compel the Judge to vacate order quashing a complaint under Transient Traders Ordinance. Writ denied.

Saginaw Gas Light Company vs. City of Saginaw. A bill brought by Saginaw Gas Light Company to enjoin the City of Saginaw from entering into a contract with an Electric Lighting Company to light its streets. Bill dismissed. 28 Federal Reporter, 529.

Duffy vs. City of Saginaw. Eugene Wilber, Circuit Judge, 64, N. W. R., 581. This was a bill to cancel Paving Assessment. (1895.) Bill dismissed.

Brown, et. al. vs. City of Saginaw. Eugene Wilber, Circuit Judge. 65 N. W. R., 602. Where in opening Street the fixing of the assessment left to the Council its judgment as to benefits is conclusive. Proceedings sustained.

Nelson vs. City of Saginaw. R. B. McKnight, Circuit Judge. 64 N. W. R., 499. A bill brought to set aside a Paving Tax. Decree for defendant.

Wilkinson vs. Police Commissioners. R. B. McKnight, Circuit Judge. 65 N. W. R., 668. Cannot on acquittal of certain misconduct, adjudge the officer of other misconduct and direct dismissal. (1895.) Writ issued.

Wilkinson vs. The City of Saginaw. W. R. Kendrick, Circuit Judge. 70 N. W. R., 142. Asking a Writ of Mandamus to compel the Common Council of the City of Saginaw to audit and pay Relator's salary as a Police officer. Writ denied. (1896.) Affirmed.

Michelson vs. City of Saginaw. W. R. Kendrick, Circuit Judge. 70 N. W. R., 142. A Police officer who is improperly removed is not entitled to re-instatement, when he is unfairly removed before he commences proceedings for re-instatement. (1896.) Affirmed.

City of Saginaw vs. Swift Electric Light Company. Eugene Wilber, Circuit Judge. 72 N. W. R., 6. The price paid for inspecting Poles cannot exceed amount paid by the city. (1897.) Denied.

Union Street Railway Company vs. Byron A. Snow, Circuit Judge. 4th Detroit Legal News, 455, N. W. R., 71-1073. Praying for an injunction restraining the forfeiture of the Franchise of said road. (1897.) Denied.

Union Street Railway vs. Saginaw Circuit Judge. 113 Mich., 694. City has the right to forfeit Street Railway franchise for non-payment of cost of paving. Mandamus denied.

Union Street Railway vs. City of Saginaw, et. al. 115 Mich., 300. Receiver of Street Railway Company may file cross bill and pay taxes to protect property. Affirmed.

Gurdon Corning, et. al. vs. City of Saginaw, 116 Mich., 74. Action to recover for damages to a vessel colliding against bridge. No liability on City for failure to operate draw on a free bridge. Reversed.

Mary Irion, vs City of Saginaw, 120 Mich., 295. Action to recover damages for personal injuries on a defective crosswalk. Plaintiff recovered in Circuit Court. Reversed.

Catherine Boyle, vs. City of Saginaw, 124 Mich., 348. Action to recover for personal injuries on a defective sidewalk. Plaintiff recovered in the Circuit Court. Affirmed.

Mary Virgin vs. City of Saginaw, 125 Mich., 499. Action to recover for personal injuries on a defective sidewalk. Plaintiff recovered in Circuit Court. Reversed.

L. Willard Pease vs. Common Council of the City of Saginaw, 126 Mich., 436. Mandamus to compel Common Council to pay bills as allowed by the Board of Health. Granted.

Alice B. Gage, vs. City of Saginaw, 128 Mich., 682. Action to recover money paid for taxes under protest. Judgment in favor of the City. Reversed in part.

Michael Kunderling vs. the City of Saginaw, et. al., 9 D. L. N. 650, (1903.) Bill to enjoin city from contracting with the National Bridge Company, for constructing the Genesee Avenue Bridge. Bill dismissed. Affirmed.

AUTHORITY FOR ISSUE OF BONDS.

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